G. R. S. IX-5]

Previous references.

File No. 22-08

1908-09

Serial Nos. 1-10, 13-1

(Legis.)

Later references.

190

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—10, 13—14

Part B for September, 1918.

SUBJECT.

Draft Rules under the Village Offices Regulation, IV of 1908.

Sl. 14. Law Association, Bangalore.
No. 2198-148. D/9th Jan^ry, 1913

From, The Registrar
Chief Court of Mu

Forwards a list of members as Ca

W D 88—GPB—50,000—24-7-16

Jm
BCS
16/9

C. 178
27-1-13.

G.R.S. 11] 1908—9

GENERAL AND REVENUE SECRETARIAT.

(Legislation

NOTES.

File No. 22-

FILE HEADING.

Draft Rules under the Village Offices Regulation, IV of 1908.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

GPB.—30,000—20-3-06.

Serial No.

1) Draft rules under the Village Officers' ~~Rule~~ Regulation on the following matters are put up.

Part I. The Division, grouping and amalgamation of villages and the selection of persons ~~for~~ to fill the offices newly created.

Part II. The holding of enquiries & under

~~See~~ Part III Matters falling under sees 8 & 9 of the Regn.

Parts V & VI - Procedure in Appeals

2) Part I - The Madras Rules (vide standing orders of the Board of Revenue Page 385 Vol I 156.) have been followed. In Rule 3 the existing proviso rule given in the Rev manual has been embodied.

3) Rules 4, 4A, 4B, 4C are existing rules taken from the Polyr rules & the Rev manual.

4) The latter part of Rule 7 is based on the discussions in the Legve Council on the subject.

5) Part II. The Madras Rules have been adopted as regards the procedure to be followed in enquiries under sees 6 & 7 & in appeals relating to them

Madras Rules 7 & 10

NOTE—Contn. sheet.

GPB—50.000—18-5-08

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Leg. File No. V of 1907-08

Serial No.

6) As regards cases when the rule of a family may be forfeited (Sec 7 Subsection 5) the existing rule as given in the Rev Rules & Rev manual have been embodied.

7) Part III Re Orders recently passed about Edl qualifications of patels & Shanbogs have been incorporated in the Rules under Sec 8(2)(b). The order of precedence among kaikdars when direct line fails, is settled down according to existing practice. The Rule under Sec 8(4) embodies the existing provision in the L.R. Rules Parts V & VI. The Madras Rules have been followed except as regards the form of summons, as which the provisions of the L.R. Code have been adopted.

8) The other parts of the Rules will be sent separately.

9) Forwarded to Br I for a note as to whether any other existing rules should be included in the new rules, & whether any addl rules are necessary.

Cfs
30/10/08

Rec'd 5 Encls
31/10/08

NOTE—Contn. sheet.

GPB—50.000—18-5-08

The draft rules were returned by 3/11/08

Serial No.

(6) There seem to be no essential omissions in the rules as framed but the following observations suggest themselves to me on reading them Part I. There is no doubt that even under the existing system it is intended occasionally to break up and amalgamate villages & circles ~~as~~ constituted as much at the time of the survey and settlement. But this procedure is intended to be resorted to only exceptionally as it is very difficult to reconcile existing boundary rights with any arrangements that may have become necessary on ground of administrative convenience and it is found in the long run to be more conducive to efficiency of work to have a set of village officers who are content with their charges as they have derived them from their ancestors. The rules now framed seem to imply that the readjustment of Patels & Shanbogue charges will be more

Not necessarily. They however provide for the contingency. GB 17/11

NOTE—Contn sheet.

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Secretariat.

Reg File No. VV of 1908 vg

Serial No.	
	...pegment than before. Please also see remarks in pencil after Rule 1.
	Rule 1 ... be such limit as that fixed in this rule is now observed in the amalgamation of villages and in the headmen for obvious reasons it will be convenient
	Rule 3 Please see my remarks in pencil after Rule 3
	Rule 4 will perhaps be shortly modified in consequence of a representation at the last Kottayam Assembly meeting stating that the rule regarding the not allowing a Shanbogue to be in charge of more than one circle should be relaxed as in constituting these circles, consideration has not been paid solely to providing each Shanbogue with only as many villages as he is capable of managing
	Rule 4-A ... Some provision should be made for cases in which the collection falls below these limits so as to provide sufficient remuneration to a Shanbogue & induce him to devote

In the first draft a distance limit of 1½ mile was proposed but after discussion with Mr D'Souza it was omitted. vg 17/11

After discussion we decided to retain rule 3. It embodies an existing rule. vg 17/11

May be changed later on if found necessary. Existing Resoobt rule is adopted in the draft vg 7/11

Now No 7. This rule is taken from Ootgi rule. Any revision may be separately considered vg

GPB—50,00017—3-07

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General and Revenue Secretariat.

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or cutcha and who alone are in a position to know the original ground on which the village or circle was constituted

Part II

17. With regard to procedure a simple provision like that contained in Rule 102 of the L. R. Rules seems to be enough. Please also see Part XVII of the Bombay Vatan act which contains a few simple instructions on the point. Elaborate rules of procedure where proper legal assistance is not to be had are difficult to be observed by the parties.

Rule 102. As regards details in conducting the investigation of cases, framing of plaints and petitions of appeal and other matters not provided for the Code or Rules, the provisions of the Code of Civil procedure in force for the time being shall be followed as far as possible.

The Madras rules have been followed. In the discussion in the Legve Council no preference appears to have been expressed for such detailed rules. cfg 17/11

18. Rule 21. A great part of this rule consists of mere explanation which may be omitted by inserting the description of the offence mentioned above after the expression in the execution of his office in the first sentence

19. The wording of this the Rules 24 & 26 subsequent rules may be slightly altered, so as to omit merely explanatory matter

Now rule 25 subsequently altered slightly cfg 17/11

NOTE—Contn sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

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Serial No.

20) Rule 25 For until otherwise ordered substitute until a regular list is prepared

adopted Leg

21) Rule 28 It is not clear what is meant by "so long as there is no reason to think that they will prejudice the interests of the minor in the office" as if a person is appointed a Pumasta he cannot set up any adverse title and as now it is decided not to sanction the arrangement by which some maintenance could be paid to the minor the words seem to be unnecessary

provisos omitted Leg

Part IV

22) Under s. 5 instruments of village officers cannot be attached or sold by civil courts. The procedure regarding how the attachment is to be removed such as to a receipt of a certificate from the Pg Commtee the head of Village Commee Inam Land Steps be indicated Rule 1 may also be altered so as to affy to mortgages alienation also the usual

NOTE—Contn. sheet.

GPB—50,00017—3-07

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practice now is to keep full assessment from the date of the alienation and as before the issue of these rules such alienations are altogether void it is not clear by the assessment should be levied only from the year 1908-09

if for some reason such as the death only of the alienation is annulled in appeal it cancel it altogether

Rule altered only

25) Rule 37 It is not clear whether it applies only to lands in the possession of the alienator who actually alienates or lands also in the possession of holders It is presumed that the latter will be affected by an alienation not made by the person in possession thereof

now 36.

Is applies to alienations made by the holders? the office: Yes

24.) This part has to be carefully considered as while alienation is prohibited under severe penalties ~~there is nothing to prevent the~~ facilities are provided for giving the land free being assigned See Rule XXV of the Subsidiary Rules Parts I to VII

25.) These are remarks under Part II If such elaborate rules of procedure are necessary they ought to be brought together I may mention here that as far as I am aware there are no cases in

The Madras rules have been adopted practically in their entirety provide for all contingencies. Miscellaneous part regulate the procedure in regular Suits & appeals whereas Part II regulates the procedure in miscellaneous cases

NOTE.—Corrections must be made on this sheet.

17/4

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such rent a revenue from land has been assigned to the emoluments of an office but is quite distinct from either rent a revenue from land

Now 84 There is a distinction between a land assigned & annexed to the office & the emoluments & remuneration to the actual holder of the office.

The draft rules embody the opinions expressed during the discussions in the Legal Council

26) Rule 78B If the land is not to be treated as a part of the emoluments in the case of Sheikh Shamboji then they should its character be attended with such severe penalties as confiscation It is also a mistake to suppose that the land has no connection with the emoluments of the office Under Rule 57 of the Police rules it is made clear that Sheikh Shamboji are paid in cash but this amount is intended to be primarily derived from the lands assigned to the service inam See Police Rules XVI, XVII & XVIII The manner in which these service inam lands are taxed is as follows :— They are under rule 1 liable to a fixed cess which is not liable to enhancement during revision settlement after

NOTE—Contn sheet.

GPB-50,00017--3-07

Serial No.

deducting this amount from the assessment on the land the balance which remains is appropriated towards payment of the price of the tokul a Shanbogue if after ~~the~~ during this there should still remain a balance only half is levied under Rule XXI of the other half allowed to be enjoyed by the person in possession of the land. These amounts are not liable to revision during the currency of the survey and settlement but if any of revision of pots the ~~not~~ pot demand is increased ~~it is liable~~ the unoffending pupils are liable to be drawn upon to the extent necessary to meet the increase. A question has also recently been raised whether it is necessary to revise the assessment on the land during each settlement as contemplated in Rule XIV a that the Sentence mentioned in that rule as fixed. The Rev Commr has expressed himself

NOTE—Contn sheet.

GPB-50,00017--3-07

Serial No.

in favour of treating the Lambert as fixed while the Supdt of Survey is of a different opinion. This point has to be made clear in the rule

27) Enumerating Christchurch this is a difficult subject & being considered by the Commr of the Supdt of Survey & the rules now issued will be provisional

28) It seems to be desirable to consult the Commr of the Supdt of Survey on this point about these rules

28 Bx/11 — 7/11/08

29) Subsequent to Mr D'Souza's writing the above note, he & I personally discussed the draft rules & made certain slight alterations in them. I have made a few marginal remarks opposite to Mr D'Souza's note on the previous page

30) In the draft rules the existing rules have been embodied almost wholly, only a few — such as the recognition of the widow as an heir &c — which are opposed to the V. O. Regn being omitted

NOTE—Contn sheet.

GPB—50,00017—3-07

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General and Revenue Secretariat.

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Serial No.

31) The Madras rules are very full & detailed on all points & have been adopted with the necessary changes as far as possible. A great portion of the rules consists of an adaptation of the provisions of the Civil Procedure Code. It is a question for consideration whether such an elaborate set of rules is necessary & whether the same object cannot be attained by stating — as in the Land Rev Rules — that the provisions of the Code of Civil Procedure shall be followed as far as possible. It may however be observed that in spite of the provision in the L. R. Rules the procedure unadapted by Rev. Officers — except perhaps in regular suits — is generally very summary & defective & does not afford sufficient facilities for the parties affected to cross examine witnesses deposing against them &c.

32) In the discussions in the Legal Council certain members (Messrs Rangrenga & Nagappa) expressed a desire that the detailed rules framed by the Madras Govt should be adopted

33) Another important portion

vide page 28 Bangalore Gazette Supplement April 9, 08 R-N

NOTE—Contn sheet.

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Serial No.

of the rule is Part iv (Rules 34 to 37) relating to the action to be taken in respect of alienations of service Inam land. The rules embody the present practice & the views expressed at the discussion in the Legve Council. As urged in the Council, all alienations made ~~prior to the more than 12 years before~~ prior to the Regn are proposed to be dealt with leniently. All full transfers made more than 12 years previously will be recognised & the lands fully assessed & removed from the category of service Inam land. Alienations made less than 12 years ago are to be cancelled the alienees being however properly compensated by the alienor. Future alienations will be disallowed except to the extent permitted by the Regn.

The Rules also make a distinction between lands assigned as remuneration to the holder of a village office & lands not so assigned as in proviso to Sec 5.

Part vii (Rules 83 to 91) deals with the emoluments to be assigned to holders of village offices

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Reg File No. 22 of 1908-09

Serial No.	
35	Rule 83 declares all service inam lands to be emoluments annexed to the office, ~~&c~~ according to the definition of the term emoluments in the Regn.
36	Rules 84 & 85 distinguish between lands assigned as emolument to the office, & lands assigned as emoluments to the holder of an office. Pateli Shanbogi umbli lands in foot villages evidently come under Rule 84 & umbli lands of toti talaris &c under rule 85.
39	Rule 86 embodies the major portion of the provisions of the Potgi rules fixing the scale of remuneration of patels & shanbogs.
38	Rules 87 to 89 also embody existing orders.
35	Rule 90 embodies the existing rules about the recovery of inams due to the minor village servants
40	Rule 91 copies I. R. Rule 6A regarding the remuneration of village officers in alienated villages.
41	~~Chapters~~ Parts VIII, IX & X do not call for any special notice.

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Revd

Serial No.

42) If approved the draft rules may be printed & the opinions of the Revenue & Survey Supdt. if necessary & the Dy Comrs invited thereon. Perhaps also the draft may be published in the Gazette & ~~invite~~ public opinion invited.

Leer) cfz 17/11/08

43) This may, I think, be done. (I have not yet had time to study the draft rules, which have been more than once called for by the Dewan)

Dewan) 21-11-08

10942/25.11.08

44) The Dewan approves of the draft rules being printed and circulated for opinion of the Revenue, Survey Supdt & Dy Comrs. Bo. Leg 25/11/08

45) Do so please, & let me have a copy. Copies to be sent to Dy Comrs.

26/11/08

46) Please get the draft rules printed. Sell prem to treat work as urgent.

Bvill

Note—Contn. sheet.

Legal 16/11/08

GPB—50.000—18-5-08

cfz 28/11

G. R. S. 12]
General and Revenue Secretariat.

Leg File No. 22 of 1908-9

Serial No.

47 Draft to the Supdt. Govt Press & Subjt for approval
MB 26/11/08 SW 26/11

48 Issue
SPH 26.11.08

1. To The Superintendent, Govt Press,
No. J 1521 & 27th Nov: 08.

I am forwards draft Rules under the Village offices Regulation for being printed on half margin and on one side of the paper and requests that 50 copies thereof may be sent to this office at an early date.

45 Secretary's remarks on the Village offices Regulation Rules in connection with the fixing of the date for the Regulation to come into force:—

"The office should take prompt action to obtain the opinions of the offices to be consulted (on the draft rules under the Village offices Regulation) by the beginning of February next. (A date may be fixed in the official reference for opinion.)"

50 Subjt. Copies of the draft rules have now been received. Draft of a circular letter to the Revenue, Survey Supdt and Dy Commrs

NOTE—Contn sheet.

GPB—50 000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

Leg File No. 22 of 1908-09

Serial No.	
	... their opinion on the Draft rules submitted for approval.
	5) Copies are being separately sent to the Secretary and the Carcellor.
	7/1/09 7/1 52) Issue ... Let the matter be hailed as urgent SW
8 WS 18/1/09	
2.	To the Rev Commr, Superintendent Rev Survey, Deputy Commrs of Districts, No J 1931-40 dt 9th Jan 09.
	Requests him to favour us with before the 5th Feb next with his opinion on the draft rules proposed to be issued under the Village Officers Regulation.
3.	From the Superintendent Revenue Survey Camp No 3 dt 2nd Feb. 09
	Submits his opinion on the draft rules under the Village Officers Regulation.
	The Rev Commr and the deputy Commrs of Districts have not yet sent their opinions on the draft rules, which were due by to-day (5th Feb 09). Only the opinion of the Supdt Rev Survey has been —

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

received. Submitted for orders.

8/11/09
5.2.09

5) The following point has been noted by the Superintendent of the Rev Survey:-

1) The period of 12 years fixed in rule 34 to 37 is rather short.

[He does not prescribe the period that should be fixed instead]

H.T. 2) Rule xxxv of the Pol Rules might also be inserted in its proper place, as it has been decided to discontinue the practice of allowing maintenance to Sahukars widows and minors.

3) Neither the Regulation nor the rules requires patels and shanbhags to reside in their charges, though the Pol Rules empowers the Dy. Comm to require them. A rule similar to rule xxxvi of the Pol rules allowing them offices to reside outside their charge for a period not exceeding 7 days may be inserted

[The Superintendent does not seem to be right in the interpretation of sec 7].

4 Provisions should be made after rule 86, as to the settlement of Pol offices after

NOTE—Contn. sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

Reg. File No. 22 of 1908-09

Serial No.

a revisn settlement.

It is stated that the question has already been submitted to Govt. for consideration and the decision of Govt. in the matter may be awaited in the appropriate place.

The file should be pending in Branch I which may be requested to note the stage in which the question stands at present. or perhaps the question might be dealt with the present subs.

5) The mistakes pointed out as to marginal references will be rectified. Submit for orders. Min opinions will be awaited.

NO 5/2/09. 5) Issue reminders tomorrow, after seeing today's tappal

5.2.09. SH

for perusal and submission 5/2 55. The opinions of the Rev. Commr. and the Deputy Commrs of District have not been received even to-day. Submitted with a draft requesting them to expedite the same.

for 22/2

SH 6209 NO 6/2/09 6) Issue

6.2.09. SH

Draft issued with No J 2322-30 dt 9th Feb. 09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

4 From the Deputy Commr. Tumkur
Dest. No. 4960 dt the 14th Feb. 09
Submits his opinion on the
Rules proposed to be issued under the
Village Offices Regulation IV of 1908.

5 The opinions of the Deputy Commrs.
and the Rev. Commr. on the Rules
were due at the office by the 3rd Feb. 09

58 Submitted with a draft to the
Rev. Commr. and other Deputy Commrs.
requesting them to expedite the sub-
mission of their opinion.

M.S.
7/3/09
20
1/3/09

59 Issue
2nd March 09

To the Rev. Commr. and Deputy
Commrs. of Districts except Tumkur
No. J 2534-61 dt 5th March 09.
Invites his attention to Sl. 2
and requests him to expedite the
submission of the opinion called
for therein.

From the Dist. Magistrate, Chital-
drug Dest. No. 362 dt 10.3.09.
Promises to submit his
opinion on the subject in about
a week.

GPB—50.000—13-5-08

Serial No.

5 From the Deputy Commr, Kadur
Dest no 331 dt 11th March 09
Forwards his opinion on the
subject of the rules proposed to be
issued under the Village Officers
Regulation.

6 From the Deputy Commr, Hassan
Dest No 338/s dt 17th March 09
Submits his opinion on the
draft rules.

7 From the Deputy Commr, Chital
drug Dest No 387 dt 24th March 09
Furnishes his opinion on the
draft rules.

8 From the Deputy Commissioner, Mysore
District, ~~No~~ No 744 dt 11th May 1909
~~Furnishes~~ his opinion on the draft rules
and forwards also the opinions of the Asst
Comr ~~French rocks sub Division (Enclosure No~~
~~(Enclosure No~~ Nanjanagud Sub Division
(enclosure No 67 dt 16th March 1909), on the
Draft rules, and of the Asst Commissioner
French Rocks Sub Division (Memo dt 8-2-09)

9 From the Revenue Commissioner & Comr
No 12547 dt 5/6/09.
States that he does not see the necessity
of issuing the draft rules in the present

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

Nabadali form. to be brought into force simultaneously with the Regulation ~~and~~; that it would be inexpedient to issue the rules at once; that the better course would be to pass only such rules as are wanting and to consolidate the whole after gaining experience under the various heads comprised; but that if the first think it necessary that rules should be passed they should be previously published and public opportunity given for discussing them.

(20) Ibid. The rules will of course be published in the Gazette before they are brought into force. The present Consultation is only a preliminary to the publication of the rules. Instead of giving his opinion on the several rules, the Revenue Commissioner has confined himself to passing certain general remarks. As regards his remark that the existing provisions of the Land Rev Regulation may be made applicable to suits, appeals &c under that village Regulation, his attention need only be drawn to the discussions that took place in the Council (vide pages 28 & 29 - R & N) and to sec 15 of the Regulation (R 2)

(21) ~~It~~ Notwithstanding the reminder

NOTE—Contn. sheet.

GPB—50.000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

Dg File No. 22 of 1908 Dg

Serial No.

The Deputy Commissioners of Kolar, Bangalore & Shimoga have not forwarded their opinions yet though the Bill fixed for the Regulation to come into force is close at hand.

62. Of the several opinions received & Summary of opinion received from Supdt. Rev. Survey is already printed (pages 18 & 15). The first of opinions of others is as follows:-

D.C. Tumkur. There is nothing to prevent the draft from being adopted now. As it systematizes the law applicable to village offices in regard to several matters comprised under the rule.

D.C. Kadur. The rules are amplest provide for all possible Cases

D.C. Hassan.

Rule 1. The words "beyond a reasonable distance" may be substituted by the words "of greater distance than a mile" the limit of 1 mile is adopted in Sec 7 of the Municipal Regulation & any greater distance may be in contemplation

Rules 5 & 7 - Provision should be made for an officiating having more than 2 charges when the circumstance renders it necessary.

Rule 12. The provision requiring appeals to be under 6 & 7 being forwarded through the Deputy Commr is good. The present practice may be continued. In Cases where

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

The appellate authority desires the Deputy Commr to make enquiries in regard to new allegations & has to be specified whether the Deputy Commr can make his findings on such new allegations or has to simply forward the report without his findings.

Rule 29. The power of fining may be fixed to a maximum of 2 months' Pay, or Rs 2/- when severe punishment is necessary, the office may be suspended instead of imposing a heavy fine.

Rule 31. For the words "by the Deputy Commr or an Asst Commr deputed by him for the purpose" the words "by the Deputy Commr or an Asst Commr either in charge of a subdivision or are deputed by him for the purpose" may be substituted

Rule 33 The limit of 5 years may be retained

Rule 50. The statement appended to para 11 of G.O Nr. 1668-76/1535 G 10/8/97 may be adopted instead of the rules appearing herein

Rule 101. A period of 6 months may be adopted ~~for~~ instead of 3 months. The maximum period of leave to be granted by a Revenue Officer may also be fixed. Rs. 6 years, with forfeiture by the absentee of his lock in case of long absence

NOTE—Contn. sheet.

GPB—50.000—13-5-08

The words "Deputy Commr" may be added after the word "Commr" so as to include charge under the Collectorate system of the former

Serial No.

D. C. Chitaldrug. The rules leave nothing to be desired & have very little to be improved upon.

D. C. Hassan. Shanbhogi charge belongs to Kasaba but neighbouring villages should not be clubbed together.

Rule 7. Query? Whether it is proposed to appeal against official for to levy a charge as yield a revenue of Rs 10 or?

Rule 37. This is not very clear: should be made more explicit.

Rule 50. 1) The rules do not provide for levy of mora in villages where inam lands are assigned to Kulkarnis as wages. The question of the Kulkarni's emoluments & reduction of mora should be noted.

2) The rules do not make any reference to appointments, punishments & removal of village officers in alienated villages.

3) The grant of summons to holders of village offices may be made compulsory.

4) Amildars should not be given the power of suspending village officers.

5) Rules framed by Govt regarding the evidence of Shanbhogs within their circles may be added to the above rules.

C. Kanara Dists & N. Arcot Dist. Rules 86 & 87 } The authority given to Shanbhogs to deduct his dues from the amount of the kist which may not tend to create working

Rule 101. A fixed period may be fixed instead of "at a time".

Subject for further orders 1316 W. 11/6/09

NOTE—Contn. sheet.

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue
Secretariat.

Leg File No. 22 of 1908

Serial No.	
	65/ attention is invited to the Revenue Commr's letter wherein he recommends that the rules may not be passed now but that if the Govt decide otherwise, a Competent Committee be appointed to Consider and report on the draft rules, after inviting public criticism
	21/6/09.
	Secretary 66/ With due deference to the opinion of the Revenue Commr it may be submitted that it is desirable & necessary to issue a set of rules under the R. O. Regn instead of leaving the existing scattered rules & orders to be followed where not inconsistent with the Regn. As recognised by the Rev Commr himself the proposed draft is simply a consolidation of existing rules & present practice with very few innovations. Only a few rules orders inconsistent with the Regulation are omitted & rightly so. ~~It may be thereby~~ To remove any misconceptions

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

it may be clearly explained in the preamble to the rules or in an order directing the rules to be published, that the existing rules have been consolidated & brought together. On certain doubtful points referred to by the Rev. commr. the existing rules do no doubt, require amendment & ~~the~~ such amendment ~~may~~ need not at all stand in the way of publishing the draft rules & bringing them into effect. The amendments when made may be incorporated ~~in~~ in the body of the rules from time to time.

67) As stated in para 31 ~~page 12~~ of the note in this file, the rules about procedure are somewhat ~~complic~~ detailed & may perhaps be replaced by a reference to the procedure under the Land Rev ~~Regn~~ Code.

This is a point for orders.

~~If Perhaps after inquiry, may~~

68) On the whole, I would submit that the rules may be brought into force at an early date, leaving substantial amendments on important points to be considered from time to time

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

as cases arise & experience is gained.

69) Perhaps some further discussion is maybe useful before the rules are brought into force & this may be secured by the draft rules being published in the gazette for public information & criticism & by the appointment of a committee consisting of the Rev Comm^r, the Supt^r of Survey, one or two Dy Commrs & one or two non official gentlemen, to consider the opinions if any offered & to suggest any minor modifications that may be necessary. As already stated large questions of principle may be left to be discussed separately & in all such matters the existing practice — where not opposed to the Regn — may be embodied in the rules.

935) Dewan through 2nd Cr) 22/6/09

70) I shall require some Com — 22/6/09

GPB—50.000—18-5-08

Serial No.

siderable time before I can peruse all the papers in this bulky file & be in a position to say anything useful. The file may be submitted to the Dewan. In the meanwhile I shall thank the secretary & send me copies of the Regn & draft rules & the discussions in the Council while passing the regulation & other printed papers.

24/6/9

Separate Boards Circulars Please Circulate Mr Ill submit these to 2nd Coun on 26/6

Sd 24/6

1363 27.6.08 (6 books) (Dewan)

Sd 26/6

Sd 26/6/09

I have returned a copy of the Regulation & draft rules proposed. The file may now be sent to the 1st Councillor & then again to 2nd Councillor if it suits the convenience of the latter

Sd 28/6/09

Circulars & Bills Brewster, Kelly, Wood, Green, Law, Hirschfeld

Sd 30/6

1st Lr

I have kept a copy of the draft rules & shall study them

Sd 27/7/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

10. From the Deputy Commr, Bangalore Dist, No S 684 dt 30th June 09.

Submits a memo containing his views regarding the rules proposed to be issued under the Mysore Village Offices Regulation IV of 1908.

Submitted.

13 The opinions of the Rev Commr and some Deputy Commrs on the subject, which were received in the Office are now under circulation among the 1st and 2nd Councillors. This is submitted in continuation of the same.

(Ref G 3143)

Sd/ W 7.7.09 9/7/09

14 Put this in the file when it comes back are steps being taken to print the opinions?

15/7/09 Sd

Legis 15/7

15 The opinions received in the Branch have not yet been sent to the Press. If approved a draft will be put up to the Supdt Govt Press, after the receipt of those opinions which are now under circulation among the Councillors.

Sd/ W 15.7.09 And after knowing finally as to the Consideration of the rules.

16/7 Sd

To Legis for note 17/7

NOTE—Contn. sheet.

GPB—50.000—13-5-08

SUBJECT No. 13.

Amendment of the Village Offices Regulation, No. IV of 1908.

Mr. Lakshminarayanappa, Heggadevankote Taluk.

Summary of discussion.—Section 5 of this Regulation may be amended, as the present rule causes hardship to patels and shanbhogs.

The power to exclude a claimant on the ground of general bad character, etc., should be vested in the Revenue Commissioner and not in the Deputy Commissioners. Some provision should be made for the maintenance of sonless widows of deceased *huckdars*.

Reply of Government.—The representations will be considered in connection with the rules.

The representative Member has not stated in what way the Regulation requires to be amended or the particular hardship caused by the section referred to by him. Perhaps he means among others the exclusion of females from being appointed to the village offices. This provision was enacted after careful consideration and for the efficient discharge of the duties of the offices concerned. The majority of the Legislative Council including non-official Members was against making any provision for the maintenance of sonless widows. In these circumstances it is perhaps unnecessary to reconsider the subject at present. But the first item promised to consider the representation in connection with the rules under the Regulation. The draft rules framed are pending perhaps before the Executive Council

Such of the orders [illegible] may be considered along with the rules

28/3/10 SW

29/3/10

28/3/10

30/3/10

1/4/10.

Serial No.

81) I have appended some notes to the draft rules. The subject may be considered either in Council at a special sitting or may be referred to a Committee

30/10/10

82) Dewan

CB
7/11/10

83) 662
12.11.10

SB
1/11/10.

The rules may be referred to a Committee for consideration & Report in 3 months — The Committee to consist of Revd Comm.r Secy to Govt of Bombay Dy Com.r of Bangalore & Tumkur & 2 non official gentlemen (members from the Bangalore Law Association to be kindly selected by the Committee)

2 Nov 10

84) Bill

23/11

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 22 of 1908-09

55

Serial No.

85) Submitted with a draft order appointing the committee and referring the proposed draft rules and opinions of the D. C. S. & S. received to the committee for reporting on the same as ordered by the Dewan. The names of two members of the Bangalore Law Association to be chosen to sit on the committee have to be filled up by the Ld. Councillor. The opinions of the Dy. commrs. of Kolar and Shimoga have not been received yet in spite of repeated reminders to them

26/11/12

86) Draft Submd for approval

The names of the two gentlemen (members of the Bangalore Law Association) have kindly to be filled up.

30/11/12

Note—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

91) The matter has been delayed very long. I should prefer the Rules to be considered at a Council meeting and got through early. Reference to a Committee would mean a delay of at least a year more. Submit to Dewan.

92) If Committee is considered necessary, I shall give the names of non-Offl Mrs later on. Can Asstt Secy get a list of members of Bre Law Asstn? J.

29/12/12

3/1

99) Yes. I shall get this done separately

Offrs with Dy Regr Hm Court Separately Ch: Ct

8/1/13 705 4.1.13

Extracts taken and dealt with separately.

(68) 4/1/13

97) Subd to Dewan as directed

8/1/13

92) No action to be taken to get the rules checked. May be considered at the next meeting of Council

22.1.13

Calcutta

93) Circulate & Consider when & note for next Council meeting

29/1 30/1/13

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

94) 2nd Counsellor

EB
3/1

Recd 1.2.13.

95) The Resolution may be carried at a meeting of the Council

Hon
12/2

(Hon
Secy for next
96) meeting
EB
12/2

97) The file cannot be disposed of except at a meeting of Council. The Regulation was passed 7 years ago, and it is hardly right that this matter shd be left undecided so long. It may be brought up at an early meeting.

H
23/5/15

G. R. S. 12]

General and Revenue Secretariat. File No. of 191

Serial No.	
	Subd. The Rules have been
	98 Issued in Bx I vide Notn No. R. 1041 B—
	L. R. 466-16-1 dated 19th April 1917
	This will now be recorded.
	18/12/17

18/12/17

NOTE.—Contn. sheet.

GPB—65,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat.

Legis File No. 22 of 1908-07

Serial No.	
	99) Extract from page 34 of the Office notes in Legis 22 of 1908-07.
	100) "88 (If committee is considered necessary, I shall give the names of non-official members later on Can Assistant secretary get a list of members of Bangalore Law Association (Init) H.V.N. 29/12/12
	101) (Init) K.R.S. 31/1/13
	102) "yes I shall get this done separately (Init) S.H. "
	103) " Office write a D.O. to the Registrar Chief Court separately (Init) S.H. " 3/1/13
	104) Submitted with a draft D.O. as ordered. (S-8) 4/1/13 (11) 4-1-13
	105) 4/1/13
13	D.O. No 9 1898 dated 8th Jan: 1913 To the Registrar, Chief Court Calls for a list of members of the

(for the consideration of the Rules under the Village Offices Regulation)

9-1-13

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

F. R. S. 12]

General and Revenue Secretariat. Legs File No. 22 of 1912-09

Serial No.	
	Law Association Bangalore
14	No 2198-148 dated 9th Jan: 1913
	from the Registrar Chief Court, Mysore.
	Forwards a list of members as called for
	Submitted original
	(06) The file is with the Dewan to whom it was submitted on 4/1/13 as ordered
	(07) The list was called for by the Sr Councillor.
	11/1/13
	15-1-13
	(07) 1st Cr)
	Keep in the file
	30/1/13

Keep

15-1-13

NOTE—Contn. sheet.

GIP—65,000—17-C-12.

G.R.S. 26]

Legislative Legs

File No. 29/08

Serial No. 1.

Diary No. of letter replied to

No. 9152 Dated 27th 08

General and Revenue Secretariat

( )

the 190

To The Superintendent,
Govt Press, Bangalore

Date of issue

Signed by order of the Legislative Secretary

Has the honor to forward herewith the accompanying draft Rules under the Village Offices Regulation and to request that the same may be printed on half margin for one side of the paper and 50 copies thereof forwarded to the Legislative Branch of this office, proofs being sent thereto for correction before copies are finally struck off. The work should be treated as urgent.

Sd/-

Secretary

SW/ 28/12/08

over.

SUBJECT.

Order Issued 28/12/08

Proofs sent 28/12/08

G.R.S. 2

Leg File No. 22/08
Serial No. 2

Diary No. of letter replied to 1708

No. J 1931–40
Legis 22–08

General and Revenue Secretariat
( )
, *the* 190

To
1) The Revenue Officers in Mysore
2) The Superintendent of Police.
(3 to 10) The Deputy Commissioners of Districts

Date of issue 9.1.09

Signed by Mr S Hiriyanna

Sir,

In forwarding herewith a printed copy of the draft rules proposed to be issued under the Mysore Village Offices Regulation, IV of 1908, I am directed to request ~~Him~~ you to be so good as to favour Government before the 5th of February next with an expression of your opinion thereon.

I have the
Sd
Secy

SW 9.1.09

over.

SUBJECT.

J 1957

Camp No. 3

Office of the Superintendent,
Mysore Revenue Survey.

Dated Camp Shimoga 2nd Feb 1909

From.

Legs: 22-08
Sl: 3.

D. Shama Rao, Esquire,
Superintendent, Mysore
Revenue Survey.

To

K. S. Chandrasekhara Iyer, Esqr, B.A., B.L.,
Secretary to the Government of H. H.
the Maharaja of Mysore, Legl and
Revenue Departments.

Sir,

With reference to your letter No. J 1932 - Legis 22-08 dated the 9th January 1909 forwarding for my opinion a printed copy of the draft rules proposed to be issued under the Mysore Village Offices Regulation, IV of 1908, I have the honor to state that the exist-ing orders and rules on the several

Subjects dealt with, which till now were scattered over many places, have been well collected, classified and arranged under their appropriate divisions, and have besides been largely supplemented by the adoption of rules obtaining in the Madras Presidency with modifications to suit our requirements, wherever the same were found necessary to amplify the existing law or prescribe methods of procedure.

2. The rules found in Part IV, Nos 34, 35, 36 and 37, set at rest the vexed question of alienations of Service inams, although the period of 12 years prescribed therein appears to be rather short.

3. Rules 83, 84 and 85 in Part VII, which distinguish between

Service

inams which are to be regarded as part of the emoluments of the office and those which are not to be regarded as such for purposes of transfer, partition or encumbrance as between the different members of the Hakdar family, are in conformity with Section 5 of the Regulation with its proviso, which was adopted in its present form by the Legislative Council and passed into law after detailed discussion and long deliberation. The proviso having been enacted and included in the Regulation, which has been duly promulgated, it would now be improper to open any controversy regarding it.

4. While the bill was under the consideration of the Legislative Council, the question of the

allotment of maintenance to minors and sonless widows out of the Potgi payable to the Officiators was discussed at great length, and the Council finally came to the conclusion that such allotment was improper and omitted the amendment suggested by the Select Committee, appointed to consider and report on the Bill to legalise the custom, which was at variance with the authorized rules, Vide pages 30 to 38 of the Supplement to the Mysore Gazette dated 12th March 1908. In view of this decision, I think it would be very necessary to embody, in the draft rules under consideration, Rule XXXV of the Potgi Rules, which declares that the sum payable

to

to the Officiator Patel or Shanbhog shall be his exclusive perquisite, on which no other member of the family shall have any claim

5. Section 7 of the Regulation authorizes the imposition of fines on Patels and Shanbhogs for non-residence in the village or one of the villages constituting their charge; but there is no express provision either in the Regulation or in the draft rules now proposed to be issued, requiring Patels and Shanbhogs to so reside, unless permitted by the Deputy Commissioner to reside elsewhere. Moreover, a lenient interpretation of Rule XXXVI of the Police Rules will enable a Patel or Shanbhog to absent himself from his charge for a period not exceeding seven days

without previously obtaining the permission of the Amildar of the Taluk. This small privilege does not appear to have been conceded to them in the draft rules. Both these points may be made clear by the insertion of a rule similar to Rule XXXVI of the Potgi Rules.

6. Another matter, which has not been provided for in the rules, is as to how the Potgi Settlement should be effected after the introduction of revision Settlement. I have submitted this question for the orders of Government in my letter No 24 dated the 18th August 1908, wherein I have dealt with the subject in sufficient detail. I beg to suggest that the decision that may be arrived at by Government on this

important question may also be inserted in the rules under consideration at the end of Rule 86, which seems to be its proper place

7 Some errors seem to have crept in in the quotation of references in the margin of the draft rules on page 2 against Rules 6 and 7. The Telgu Rule corresponding to Rule 6 is not XXXVII as printed in the draft but is XXXIII Similarly, Rule 7 corresponds with Rule XXXI and not with Rules XXIX and XXXIII These errors may be rectified.

I have the honor to be
Sir
Your most Obedient Servant

D. Ramu Rao

Superintendent, Mysore
Revenue Survey

Leg 17/2

No. 496.

Office of the Deputy Commissioner
Tumkur District
Dated the 14th February 1909.

J 16 2106.
Leg 22-08
Sl: 4.

From

K.Doraswami Iyer Esqr.,
Deputy Commissioner
Tumkur District.

TO

C.S.Balasundaram Iyer Esqr., B.A.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B A N G A L O R E .

Sir

I have the honour to acknowledge your letter No.J.1936/ Legis.22-08 dated the 9th ultimo forwarding for opinion a copy of the Rules proposed to be issued under the Mysore Village Offices Regulation IV of 1908.

I have gone through the Rules carefully and find that it is sought to systematize the law applying to these officials in respect of emoluments, succession &c and that the major part of existing Rules and practice is accepted and reiterated and some new Rules of procedure are added. Some small practical difficulties might show themselves later on but there is nothing to prevent the Draft being adopted now.

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner.

From

K. R. Srinivasa Iyengar, Esq. M.A.,

Deputy Commissioner,

Kadur District

Leg 22-08

Sl. 5

C. S. Balasundaram Iyer, Esq., B.A.,

Offg. Secretary to the Government of Mysore,

Gen. and Rev. Departments.

Dated, Chikmagalur, 11th March 1909.

Sir,

With reference to your letter No. J 1939/Legis. 22-08 dated 9th January 1909, asking for my opinion on the Mysore Village Offices' Regulation IV of 1908, I have the honor to state that the rules are in my opinion ample and provide for all possible cases, and that I have no suggestion to make about any addition or alteration to them.

I have the honor to be,

Sir,

Your most obt. Servant,

G Hanumanaiah

Deputy Commissioner

of Kadur

Asst

III 515 Vol 2322

1909 15

From The Deputy Commissioner
Kadun District.

To The Secretary to the
Government of Mysore.

Dated 11th

Despatched March 1909

Received

General No. 331

No.

Enclosure No.

Giving his opinion
on the Mysore Village Officers
Regulation IV of 1908.

1908-09

Deputy Commissioner's Office
Hassan District

Dated 13th March 1909.
Leg 22-08
Sl 6

From P.R.W. Wetherall Esquire
Deputy Commissioner
Hassan District

To K.S. Chendrasekhara Iyer Esqr. BA.BL
Secretary to Government of H.H
the Maharaja of Mysore, General
and Revenue Depts: Bangalore

Sir, Adverting to your letter No J
1940/Legs. 22-08 dated 9th January 1909
calling for an expression of my opinion
on the draft rules proposed to be issued
under the Mysore Village Offices
Regulation (No IV of 1908), I have the
honor to State as follows:—

2. In rule 1 instead of the words
"beyond a reasonable distance" the

II 496 Rev 9/3 J 2382

1908-09

From P. R. W. Wetherall Esquire
Deputy Commissioner.
Hassan District

To K. S. Chendrasekhara Iyer Esqr
B.A. B.L
Secretary to Govt of H. H the Maharaja
of Mysore, General and Revenue Deptt

Dated 13. } Bangalore
Despatched 17. } March 1909

Received

General No. 338
No. S.

Enclosure No.

Subject

Submitting opinion on the draft rules proposed to be issued under the Mysore Village offices Regulation IV of 1908

the words "of greater distance than a mile" may be substituted. The Grouping of Villages, the Village sites of which are situated more than a mile from each other would entail much inconvenience. The limit of one mile is adopted from section 7 of the Mysore Municipal Regulation № VII of 1906.

3. Rules 5 and 7. The rule that Shanbhogue officiators who hold more villages than form a Sufficient Charge Should be required to give up the Surplus villages was ordered in 1874, but it has been found difficult to rigidly enforce the order as it often happens that Competent men Cannot be found to undertake the work of the extra Charges and particularly in the Malnad there are still some hakdar Shanbhogues who are doing the duties of more than one Charge.

2t

It may be observed that on a reference having been made from this District on the Subject to Government, Orders were passed in proceedings No 2821-9/R 903 dated 14th September 1897 deprecating any relaxation of the Standing rule. In Certain tracts where the literate population is Comparatively Small as in the Malnad portions of this District, it is often found difficult to procure the Services of Competent officiators who would Consent to discharge the duties for a reasonably long period. Moreover the emoluments of an officiator Shanbhogue Calculated according to Rules 7 and 86 (VII) would at best amount to Rs 7 or 8 per month which even under ordinary prices of food grains would hardly induce Competent men to Come forward Under Such Circumstances the Rule framed in the Year 1874 may be

Pl 17 118 of the Collection of Papers

be modified to suit the present requirements making provision for more than two Charges being held by an officiator Shanbhogue where unavoidable. The duties expected of a Shanbhogue have now imperceptibly increased and in view of the minimum pay of School teachers having been recently raised to Rs 10/- per mensem such a relaxation of the rule as above suggested appears necessary. In this Connection reference is invited to Dasara Representative Assembly Subject No 81 of 1908 and the reply of Government thereto in Concerning the proposal for the adequate remuneration of the Shanbhogue.

4. The provision in Rule 24 requiring the forwardal of the appeals to the Revenue Commissioner under Sections 6 and 7 through the Deputy Commissioner appears to be novel to this State and may

may not work as satisfactorily as the existing procedure. However, the introduction of the rule is apparently meant to save delay in the disposal of appeals and to minimise correspondence. I am afraid that it may not curtail ~~in~~ correspondence as the parties will as per rule 16 address the Revenue Commissioner to intimate the date of hearing who will have to address the Deputy Commissioner before whom the appeal is presented enquiring about the matter. Moreover if an appeal is of such a nature as to be Summarily rejected as per Rule 22 the labour involved in the Submission of the report by the Deputy Commissioner would be unnecessary. Besides, if the appeal is of such a nature as to necessitate urgent orders by the Revenue Commissioner or Government to Stay execution of the decree appealed against ~~in~~ the

the presentation of the Appeal memo to the Deputy Commissioner would defeat such a Step being adopted. As the Copies of decisions passed by the Deputy Commissioner would be Complete within themselves I think the present practice may be allowed to Continue. Moreover where the appellate authority desires the Deputy Commissioner to make enquiries in regard to any new allegations made in the memorandum, it would have to be specified whether the Deputy Commissioner can make his findings on such new allegations or simply forward the report without his findings.

5. Rule 29. As per Government Proceedings No. 1518/Pet 249 dated 4th August 1896 the provisions of Section 33 of the Land Revenue Code were made applicable to the infliction of

(Sent Nos to the Collectors)

of fines on village officers whereby the fine is not to exceed two months pay of the officiator, the potgi distributed over the several months being the basis of calculation for determining the monthly pay of the officiator. The Amildar's limit of fine relating to village officers is restricted to Rs 2/- in Government Proceedings No. R262-71/R.J 34-1901-02 dated 11th July 1902. If these proceedings of Government be repealed as far as they apply to the village officers according to Section 2 of the Regulation Amildars and Deputy Amildars would be empowered by the proposed Rule 29 to fine village officers upto a limit of Six months Potgi I would rather restrict this power of fining to a maximum limit of two months Potgi with a maximum of Rs 2/- in the case of Amildars as now in force. It may be observed that in the Bombay Presidency the

Sl. No. 115 of the Collection of Reference

the limit of fine is not to exceed one fourth part of the annual emolument provided for the officiator. (Vide section 57 of the Bombay Hereditary offices Act). When the Conduct of the officiator is such as to call for a more Severe punishment I think the better Course would be Suspension of the officiator which would be of greater deterrent effect than even a heavy fine

6 Rule 31 In the last para of this Rule for the words "by the Deputy Commissioner or an Assistant Commissioner deputed by him for the purpose" may be Substituted the words "by the Deputy Commissioner or an Assistant Commissioner either in charge of a Sub-Division or one deputed by him for the purpose" so that the Sub-Divisional Assistant Commissioners may examine claimants for Shanbhogue offices on the Subjects Specified

Specified in the Rule.

7. Rule 33 The limit of five years for displacing a Gumasta Shanbhogue once appointed on the recommendation of the minor's Guardian in the Dewan's Proceedings No. 5238-&46-Cir 133 dated 6th December 1887 may be retained so that Gumastas who prove adverse to the interests of minors may be displaced from the appointment.

S IV/20 Collection of rufcards

8. Rule 90. In place of paras I to IX of this Rule the Statement appended to para IV of Government Notification No. 1677 R 540 dated 10th August 1897 published with Government Proceedings No. 1668-76-R 539 dated 10th August 1897 may be adopted as it presents all the provisions at a glance and would only require an additional note that the Miras decided to be due shall be recovered as a revenue demand and paid to the.

S IV Do

the village Servants.

9 Rule 101. Concerning the Grant of leave to village officers the prevailing practice in this District is that Amildars and the Deputy Amildars sanction leave for a period of 6 months at a time any leave in excess of this period being Sanctioned by the Deputy Commissioner or Sub-Divisional Assistant Commissioner. In place of three months provided for in the proposed rule the period of Six months may safely be adopted. In view of certain eventualities that may arise wherein an officiator may prolong his absence on leave, a maximum period of leave to be Granted by a Revenue officer may be fixed, preferably a period of two years, any further absence entailing the

the forfeiture of the right to the office in favour of the next claimant Competent to succeed according to the Regulation.

At the end of Rule 101 after the words "the Assistant Commissioner" the words "or the Deputy Commissioner" may be added to include instances in which there is no Assistant Commissioner in charge of the Taluk Concerned.

I have the honor to be

Sir,

Your most Obedient Servant

Narasinga Rau Iyengar
17/3/09

for Deputy Commissioner

Hassan District

No. 387

Deputy Commissioner's Office
Chitaldrug 23rd March '09

Legs 22-08
Sl. 7

From

M. Chengiah Chetty, Esquire BA
Deputy Commissioner
Chitaldrug District.

To

K S Chandrasekhara Iyer, Esq. BA. BL
Secretary to the Government of
H. H. The Maharaja of Mysore.
General & Revenue Departments
Bangalore.

Sir,

With reference to your letter No. J-37/Legis 22-08 dated 9th January 1909, calling for my opinion in the matter of the rules proposed under the Village Officers' Regulation of 1908, I have the honor to state that I do not see any objection to the rules. They leave nothing to be desired and have very little to be improved upon. If modifications are found necessary later on while working the rules, they could easily be introduced when required.

I have the honor to be
Sir
Your most obedient Servant

M Chengiah
Deputy Commissioner
Chitaldrug District

PB

Fy 4 B 12 J 2459

1908-09

From

The Deputy Commissioner
Chitaldrug District.

To

The Secretary to the Government
of H. H. the Maharaja of Mysore
General and Revenue Departments

Dated 25th Bangalore.

Despatched 11th March 1909.

Received

General No.
No.

Enclosure No.

Furnishing opinion on the rules
framed under the Village Officers
Regulation of 1908.

Legs 22-08
pt 8

62

No.
Enc. No.

OFFICE OF THE Dy Commissioner
MYSORE DISTRICT,
Dated Mysore Camp 10th February 1909.

To
N. S. Cheeroraselvaroyar Esq., BA. BL.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your letter no
D 1934 / Legs 22-08 of 9th January 1909
calling my opinion on the draft rules
proposed to be issued under the Mysore
Village officers Regulation IV of 1908,
I have the honour to submit herewith
in original Mysore Divisional
Assistant Commissioner's letter no 67 of
16th March 1909 and Hunsur Taluk
Divisional Assistant Commissioner's
D. No. dated 8th February 1909 giving
expression to their views on the subject
and to state that the rules as a whole
have

IV 5015 4 May 1909 J. 2889

From

The Commissioner
Mysore Division

To

The Secretary to the
Government of Mysore

Dated 10th

Despatched 11th May 1909

Received

General No. 744

No.

Enclosure No. 2

Enclosure Memorandum
Opinion on the
draft rules pro-
posed to be issued
under the Mysore
Village Officers'
Regulation IV of
1908

have been well thought out requiring few modifications and amendments. I have however noted down a few points which may commend themselves to the consideration of Government.

In the constitution of Shanbhag Charges villages belonging to different but neighbouring Jahags should not be clubbed together in a Single charge. Such an arrangement subjects the Shanbhags to dual control which he can very easily find pretext to evade

2 Adverting to rule 7 exception is made of Single villages as regards the appointment of officiators. There are several villages the Jamabandi of which exceeds Rs 10,000/- It is not clear whether it is proposed

proposed to appoint a single — 64
operator for so big a charge.

3. The meaning of rule 37 is not clear. It should be re-written and made more explicit. One or two illustrations may perhaps help to explain the Section better

4 Rule 90. In several villages inam lands are assigned to Jodis. The rule does not repeate the procedure to be adopted in respect of the levy of miras in such cases. In this connection attention is also invited to the suggestion put forward by Mr Sundarajempar regarding reduction in the rates of miras now proposed.

5. Sections 9 and 10 of the Village officers Regulation: The

The draft rules do not contain any reference to the appointment punishment and removal of village officers in alienated villages of the rules in Pirkar villages in this respect are held to apply to the alienated villages also, a note to that effect may be inserted.

6 The grant of Pawnado to holders of village offices may be made compulsory

7 Rules framed by Government regarding the residence of Shanbhogs within their circles may be added to the draft rules and incorporated therewith

I agree with the Dewan-Peishkar Divisional Assistant Commissioner in thinking that it would greatly

greatly impair the Status of the Village officers if Amildars are invested with powers to order their Suspension. Cases requiring Stimpul- orders may be immediately brought to the notice of the Divisional Assistant Commissioner who can exercise his discretion better than the Amildar who is likely to abuse the same. The Amildars have been empowered to fine Village officers to the extent of Rs 5/- and this is for all practical purposes sufficient to meet all exigencies that may arise.

I have the honour to be,
Sir
Your most obedient Servant
[signature]
Deputy Commissioner,
Mysore Division.

and published in page 23 of the draft rules, Some — reduction is needed. The scale prescribed in the late Chief Commissioner's Notification No: 123 dated 6th August 1878 is high and in my experience as Amildar and Assistant — Commissioner not a single ryot has paid it without a demur. Several emphatically declined to pay even the old scale subsequent to the promulgation of the new rules, and the village servants often resort to suits and thereby the feeling between the ryot and servants became strained. To put a stop to this state of affairs and to induce the ryot to take kindly to the measures prescribed by Government the rate fixed in the several paras of rules might be reduced to half the quantities or amounts shown therein.

I have the honor to be

Sir,

Your most obedient servant

J. Ramachandra Rao

Sub Deputy Collector.

17.3.09
Sheristadar

P.O. 3301
1893/09.
1908-9

From The Sub-Division Officer,
Ranjangud Sub-Div

To M. Kantaraj Urs, Sir A.-A.-
Deputy Commissioner,
Mysore District

Dated 16th March/1909
Despatched
Received

General No. 67
No.

Enclosure No. Nones

Sir,

With reference to your docket No: 3391-4 of the 5th February 1909 calling for opinion on the copy of the draft rules proposed to be issued under the Village Offices Regulation, I have the honor to submit as follows:—

2. The rules have been carefully got up and no point has been omitted. They may be adopted. In regard to Inams prescribed to village servants and—

Memo.

Recd 9/2

I beg to submit my views upon some of the most important points in the draft rules sent to me for opinion.

In view of the fact that in Mysore the Offices of Patel and Shanbhog being hereditary and some of the officiators being respectable land owners qualified by their character to become members of the Dasara Representative Assembly, the Government have been pleased to enact in Section 7 of the Village Offices Regulation that the orders passed by an Assistant Commissioner dismissing the Village officers should receive confirmation by the Deputy Commissioner of the District. This appropriate recognition of their status is very much appreciated by them.

The present Rule 14 contemplates extending the power of the Amildar to suspend these Village Officers subject to the approval of the Assistant Commissioner.

There will be changes in the Amildar and Deputy Amildar ordinarily once in two years. Considering the extent of some of the Taluks, it is not practicable for the Amildar to study and patiently

enquire into the character of the
Village Officers and arrive at a
vature conclusion in disposing of
omplaints brought against them by
villagers who in many cases are
plit into two factions

The Sheikdar in the Revenue and
e Deffedar in the Police department
re often the medium through whom
e Amildar enquires into the allegation
ade against the Village Officers. It
very often that the petty Officers
uld not be above temptations.

In a number of cases that came
p before me I found the Amildar
ad recommended summary s
uspension of Patels to get through
rth work to tanks, to collect arrears
revenue and to facilitate the s
etection of Police cases. The reports
ent by them disclosed that the Amildars
ad come to some hasty conclusion
the spur of the moment to get s
hrough some work in their executive
pacity. Under these circumstances
may not be for the efficiency of
e village service to invest enhanced
powers

powers to Amildars who are now authorized to fine recalcitrant village officers upto Rs 5/-.

With reference to Clause 13 Rule 86 and Rule 87, I beg to state that in my opinion the form of payment of Potigi emoluments by authorizing the Shanbhog to deduct his dues from the amount of the last khist, may not lend to smooth working.

The majority of our Shanbhogs are not sufficiently educated to realize the responsibility of their position while some ~~others~~ are — found tampering with the accounts and Pahanies. The System of Checking the accounts prepared by these officials is not at all satisfactory. The Amildars have no time to go through the accounts. It is only while certifying to the outstanding arrears, the Shirastedar can satisfy himself that the amounts of all the khists have been duly credited in the Treasury

For these reasons the present — system under which the Potigi

emoluments of the Village Patel or Shanbhog is debited (in the month of June) to the Khates for which he agrees to pay out of his Potigi appears to be good.

Under Rule 101, the Amildar is authorized to grant leave to Village Officers not exceeding three months at a time. This opens a door to the Village Officers extending the leave from time to time without any limit and without reference to the Higher Officers. I would suggest that for the expression "at a time" a period may be fixed or it may be directed that all application for extension of such leave may be submitted to the Divisional Officer for sanction.

Assist Commissioner,
French Rocks Sub Division.

8. 2. 1909

No. 12547 OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore, 5th June 1909.

96

Legis 22-08
Sl. 9

FROM

Rajakarya Pravina,
A. RANGASWAMI IYENGAR, ESQ., B. A., B. L.,
Revenue Commissioner in Mysore.

TO

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

With reference to your letter No.J 1931/Legis.22-08 dated 9th January 1909 and subsequent reminders calling for my opinion on the Draft Rules proposed to be issued under the Mysore Village Offices Regulation IV of 1908, I have the honour to state as follows:-

I may be allowed to observe, at the outset, that I am not convinced of the necessity of issuing the Draft Rules in the present elaborate form to be brought into force simultaneously with the Village Offices Regulation. On the other hand, it would be rather inexpedient to issue the Rules at once. The Draft Rules may be said to be practically a compilation of the Madras Rules under the Hereditary Village Offices Act, and of the existing orders and rules of procedure and practice in force in Mysore. The publication of the Rules in the present form gives the idea that these Rules are issued in supersession of all existing orders on the subject, but it is seen that ~~besides being~~ it is virtually a consolidation of existing rules; In several matters the rules have been incorporated into it bodily, for instance the Potgi Rules and the provisions of the Land Revenue Regulation and the Civil Procedure Code in the matter of holding inquiries, disposal of suits, &c.

2. Again, certain matters provided for in the Rules cannot be considered to have been finally settled. The more important of these are the remuneration of Totis and Talaris dealt

Rev. Comr.
Form 12.

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 5th

Despatched 9 6 June 1909.

Received

No. 12547

Enclosure No.

Submits opinion on the draft rules proposed to be issued under the Mysore Village Offices Regulation IV of 1908

Caxton Press, Bangalore,—2000-2-09

dealt with in Rule 90, and the action to be taken in respect of unauthorized alienations, (Part IV). With regard to the first of these questions, it is well known that the rate of miras is complained by the ryots to be unduly high and this has found utterance through Representative Members in successive Meetings of the Assembly. It is very desirable that the question should thoroughl be gone into and discussed with those who are vitally interested in it, before giving it a fixity by incorporation in the Rules.

3. The present orders and rulings of Government are well understood by the public and those who are affected by them, and are capable of being worked with a degree of facility which it will be impossible to expect in the case of the proposed Rules foi years to come. The introduction of the Rules in the proposed form is therefore sure to cause a certain amount of inconvenience and unsettlement in the minds of the public, while on the other hand there is not much to be gained by their immediate introduction to compensate for this inconvenience and trouble. It is far more expedient, im my opinion, therefore, not to issue the Rules in the proposed ~~xxxx~~ comprehensive form. The better course would seem to be to gain experience by the working of the Regulation after passing only such rules as are wanting, and to consolidate the whole after gaining experience under the various heads comprised therein. For instance, instead of attempting to make new provisions for suits, appeals &c., I believe it would be more suitable to preserve the existing provisions of the Land Revenue Regulations according to which the Civil Procedure Code is taken as a practical guide.

4. Such are some of the objections that seem to me to exist against the immediate introduction of the proposed Rules, and being of opinion that such immediate introduction is not called for, I have not gone into a consideration of the detailed provisions made therein.

5. If on the other hand the Government consider that the Rules as drafted should be considered and passed , I beg to submit that it is very necessary to give greater time and allow

fuller opportunity for ample discussion of its many important provisions. The Draft Rules may be published in a few successive issues of the Mysore Gazette and public opinion invited. At the same time, I thimk the subject matter is of such importance that the labours of a competent committee should be bestowed on a careful consideration of its provisions. It seems to me to be essential that these Rules should not be passed by Government without having before ~~it~~ them the opinion of the public and the recommendation of a select committee after a detailed and systematic discussion of every important provision contained in the same.

I have the honour to be,

sir,

Your most obedient servant,

J Ramamurthy

For Revenue Commissioner.

R.S.

75

Office of the Deputy Commissioner,

Bangalore District.

Dated Bangalore, 30th June 1909.
1st July

684

Legis 22-08
Sl. 10

From

B.J.Kumaraswami Naik, Esq., B.A.,

Deputy Commissioner, Bangalore District.

To

C.S.Balasundaram Iver. Esq., B.A.,

Offg: Secretary to the Government of His Highness

the Maharaja of Mysore, General and Revenue

Departments, Bangalore.

Sir,

As desired in your letter No.J.1933/Legis.22-08 dated the 9th January 1909, I have the honor to submit herewith a -- Memo containing my views regarding the rules proposed to be -- issued under the Mysore Village Offices Regulation IV of 1908.

I have the honor to be

Sir,

Your most obedient servant.

For Deputy Commissioner,

Bangalore District.

L.S.R.

Legs: 337 J 49

1908-09.

From The Dy Commissioner
Bangalore District

To The Secretary to the Govt
Mysore
General & Revenue Departments

Dated 30th June 1909

Despatched 2nd July 1909.

Received

General No.

L. No. 684

Enclosure No. 1

Secys Letter No J 1933 dated
Legs: 22-08
the 9th January 1909.

Submits memo Co
-taining the Dy Comrs views
regarding the rules proposed
to be issued under the Mysore
Village Offices Regulation IV of 1908

M e m o.

PartII. The inclusion of section 6 in the head notes seems to be wrong:-

Rules 10 and 11 detail the procedure to be adopted in holding enquiries concerning matters coming under section 6 of the Village Offices Regulation, and the provisions in rules 12 to 14 under Part II relate only to the procedure regarding enquiries in connection with the punishment of village officers and servants referred to in section 7 of the Regulation and as such, have no bearing on section 6 which has therefore to be omitted from the head notes.

Rule 12 :- Cases may often arise in which it is quite necessary to suspend the village officer or servant pending enquiry into the charges against him. The Deputy Commissioner and the Assistant Commissioner may therefore be empowered to suspend the man in serious cases for reasons to be recorded in writing, pending the result of the formal enquiry contemplated in rule 12.

Rule 14 :- The specification at the foot of the order regarding the date on which the time allowed for preferring an appeal expires seems unnecessary as the parties concerned are presumed to be aware of the provisions given in schedule B of the Mysore Village offices Regulation.

The provision regarding the grant, free of charge, of copy of the order to the village officer or servant entails much labour on the clerical establishment and will, perhaps, necessitate the entertainment of extra hand. An endorsement noting the result of the final order may be given to the party and in case he desires to have a copy of the order in extenso, he should as in the case at present be made to pay the copying charges.

Hearing of appeals under section 17 against orders passed under section 6 or 7:- The wording of the foregoing head-notes

head-notes leaves a doubt as to whether an appeal lies against the order passed by the Deputy Commissioner or Assistant Commissioner under sections 8,9 and 10 of the Regulation, though section 17 of the Regulation seems to allow an appeal against every order passed under the Regulation by an Assistant Commissioner or the Deputy Commissioner. If, on the other hand, it is the intention of the legislature that no appeal should be allowed, on the miscellaneous side, against an order passed under sections 8,9 and 10 of the Regulation and that the only course left open to the aggrieved party is to institute a regular suit under section 11, a provision to that effect may be made and embodied in the rules.

Rule 15:- The last clause may be altered as follows:- "The memorandum of appeal shall be accompanied by an authenticated copy of the order appealed against".

Rule 23:- The necessity for insisting that the decision in the appeal case and the reasons therefor should be in English and in the hand-writing of the presiding officer himself is not clear. It seems enough if, similar to the provision in section 32 of the Land Revenue Code, it is directed that every such order with reasons therefor should be recorded in writing in English or Kanarese under the signature of the officer deciding the case.

The objections raised to the provision in rule 14 regarding the grant, free of cost, of copy of order holds good here also.

Rule 24:- In view to avoid delay etc. in the transmission of the appeal petition from the Deputy Commissioner's office to the Revenue Commissioner, the present practice according to which appeal petitions are presented direct to the Revenue Commissioner may be continued, the Deputy Commissioner being required to submit, on the requisition of the Revenue Commissioner, the connected records, together with a report regarding any new allegations made by the appellant after making such further enquiry as may be necessary.

Rule 29:- The maximum amount of fine to be imposed on Shanbhogand Patels may be fixed at 2 months' potgi instead of six months' potgi as proposed in this rule; since under section 33 of the Land Revenue Code the maximum amount of fine to be levied on any official is fixed at 2 months' salary of the official.

Rule 73 and 76 :- The words "the appellant and respendent" in the last clause of rule 73 may be altered to "the original and to the 1st appellate courts" and the rule 76 omitted altogether as its object is not apparent.

2-7-

For Deputy Commissioner,
Bangalore District.

L.S.R.

6-1-13 79

G.R.S. 26] File No.

Serial No. 13

Diary No. of letter replied to

No. J 1898/Legis 22-08

General and Revenue Secretariat

( )

, *the* 19 .

Date of issue 8-1-13

Signed by S. Kiriyamaiya

~~To~~

Dear sir

I am desired to request you to be so good as to obtain and forward for ~~reference~~ the information of Govt. a list of members of the Bangalore Law Association The matter may kindly be treated as urgent

Yours sincerely

SK 4-1-13

over.

~~SUBJECT~~

To V A. Rajaratnam Mudaliar Esqr.
Registrar Chief Court of Mysore,
Bangalore

Draft
(58)
4/1/13

THE LAW ASSOCIATION

Bangalore.

Members on the Roll

1.	K. Ramaswami Iyengar Esq.	Advocate
2.	B. Sreenivasa Iyengar Esq.	— do —
3.	B. Murti Row Esq.	— do
4.	H. K. Veera Basaviah Esq.	— do .
5.	M. Ramachendra Row Esq.	— do .
~~6.~~	~~M. Rama Rao Esq.~~	
6 7.	C. Kirshna Rao Esq.	— do .
7 8.	C. Lakshmana Gowda Esq.	— do .
8 9.	T. Shamiengar Esq.	— do .
9 10.	N. V. Narsim Iyengar Esq.	— do .
10 11.	A. R. Nageshwara Iyer Esq.	— do .
11 12.	C. Krishna Murti Esq.	— do .
12 13.	S. Narayana Rao Esq.	— do .
13 14.	C. B. Sheshagiri Rao Esq	— do .
14 15.	K. Seshagiri Rao Esq.	— do .
15 16.	D. Venkata Ramiah Esq.	— do .
16 17.	G. Venkata Ramaniah Esq.	1st Grade Pleader
17 18.	H. Krishnappa Esq.	Advocate
18 19.	D. Raghavachar Esq.	— do —
19 20.	B. Ramanna Esq.	— do .
20 21.	B. Nanjundiah Esq.	— do —
21 22.	S. Venkatachalla Iyengar Esq.	— do .

22	23.	S. Subba Roya Esq.	Advocate
23	24.	B. Subbanna Esq.	— do —
24	25.	M. B. Varadaraj Iyengar Esq.	— do
25	26.	S. Narasim Iyengar Esq.	— do
26	27.	S. Ranganna Esq.	— do —
27	28.	C. Seshachar Esq.	— do —
28	29.	B. Sreenivasa Rao Esq	1st Grade Pleader
29	30.	B. Nagappa Esq.	Sub Judge - Bangalore.
30	31.	B. V. Ramaswami Chetty Esq.	Advocate.
31	32.	L. Sreenivasa Iyengar Esq.	— do —
32	33.	C. V. Narsim Iyengar Esq.	— do —
33	34.	C. S. Doraisami Iyer Esq.	— do —
34	35.	K. R. Sesha Iyengar Esq.	— do —
35	36.	T. Appu Rao Esq.	— do —
36	37.	J. P. Saldanha Esq.	— do —
37	38.	S. Shamanna Esq.	— do —
38	39.	B. Kempanna Esq.	1st Grade Pleader
39	40.	N. Surappa Esq.	— do
40	41.	R. Gundu Rao Esq.	Advocate
41	42.	~~B. Tirumala Char Esq.~~	
	43.	T. Seetha Ramiah Esq.	1st Grade Pleader.
	44.	~~K. T. Narasim Iyengar Esq.~~	
	45.	~~C. W. Hoover Esq.~~	
42		B. Venkobarao Esq.	City Magistrate, Bangalore
43		M. G. Varada Char Esq.	Advocate
44		A. Ananthasubramanya Iyer Esq.	— do —
45		A. Gangappa Esq	do
46		A. Munjundiah Esq.	do
47		M. Sreenivasa Rao Esq	do

V. B. S. & SONS, BANGALORE.—1910.

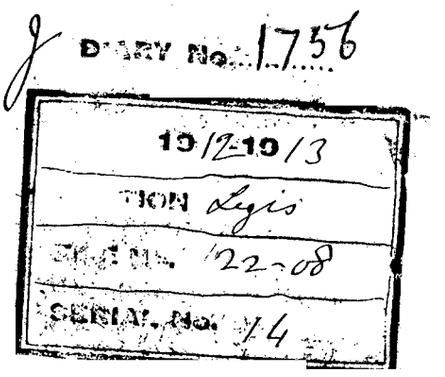
for Secy Law Asst. Bangalore

82

No. 2198 Secone/148 Chief Court of Mysore.

Bangalore Dated 9th January 1913

9/1/13



From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to ~~the~~ Government,
General and Revenue Departments.

S i r,

With reference to your D.O. No. J1898 dated 8th Instant, I am directed to forward a list of members of the Bangalore Law Association.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

A.V.

181

H.C.

Draft Rules under Section 22 of the Mysore Village Offices Regulation, IV of 1908. 83

In exercise of the powers conferred by section 22 of the Mysore Village Offices Regulation IV of 1908, the Govt. of His Highness the Maharaja of Mysore are pleased to prescribe the following rules:—

In these Rules, the term "village officers" shall mean Patels and Shanbhags and the term "village servants" shall mean Nirganties, Talaris & Neerganties.

I The division, grouping & amalgamation of villages, and the selection of persons to fill the offices newly created under Sec 6.

Madras Rule.

* Any two or more villages or portions thereof may be grouped amalgamated so as to form a single new village when the distance between the village does not exceed a ~~mile~~ ~~half~~ reasonable distance

Provided that if these or outlying hamlets of one village more than 1½ miles from the head village, the grouping or amalgamation shall not be carried out.

Madras Rule 2

2 x. Uninhabited or insignificant villages and those in which the lands are so intermingled that the boundaries cannot well be separated may be grouped through the distance limit is exceeded.

3 [

4 [Coming from page 4

[Madras Rule 3 modified]

[" generally there should be one patel for each village recognised as such by the Survey Dept. + Rev Manual pages 45]

H]

Revenue Manual
page 45 - Proc No 10267-25 of 1055
3/1/1854.

may, in special cases at the discretion of the Rev. Commr & so long as the Rev Commr may permit such an arrangement to continue having regard to administrative convenience,

Each new village shall have a headmen or patel and such other village officers and servants as Government may consider necessary in each case

Provided that where the village consisted prior to the grouping or amalgamation of several villages or hamlets with separate patels ~~(and other village officers and servants)~~ for each of them, the patels of the several villages which have been grouped together or amalgamated, ~~shall~~ be allowed to continue to be patels of these villages or hamlets and their heirs recognised as successors. ~~There will ordinarily be no difficulty in identifying the lands of the several villages clubbed together but should there be any difficulty in the matter,~~ the Dr Commr will assign a suitable area for each village and hamlet, so that the patels may be empowered to collect the revenue of those lands and be responsible

85 01

for all duties connected with them. The pot-gi should be divided between the patels in the proportion of the revenue of the areas assigned or ideally fixed as belonging to each of these villages

~~3A~~ In large villages, where there is no patel or where both the offices have been vested in the same person, ~~separate allowances~~ the first may appoint a deputy or the family holding both the offices to nominate a separate officials for each office as may seem fit to them [Pot-gi Rule XXXVII]

Madras Rule 4

Pot-gi Rule ~~XXXVII~~, published with G.O. No. 2423-8 of 2/6/1903

H.S (1) (iii) 5

may be formed by grouping several villages whether amalgamated or not and

4. The charge of shanbhogs will be fixed so as to give each officiator as many villages as he is capable of managing. When more villages than form a sufficient charge are already in the hands of one officiator, he will be required to give up the surplus villages for which one or more new officiators will be appointed by Government. The new officiator or officiators will be appointed from the family in which the post has hitherto vested if a competent person can be found therein

Pot-gi Rules ~~XXIX~~ + ~~XXXIII~~

Madras Rule 5

7 ~~4A~~. In arranging charges, except in the case of single villages, as a rule no one officiator should hold charge of villages with a collection of more than about 2500 Rs. and where 5 or nine villages are combined in one charge no one officiator shall, as a rule, hold more villages than give a revenue of about 1600 Rs.

~~5~~ 6 Any village may be divided into two or more villages whenever it appears that such a course is desirable as a matter of administrative convenience

~~6~~ 5. The charge of shanbhogs once determined by the Survey Dept shall not be split up or rearranged without the special sanction of the Rev Comm. Govt

Revenue Manual page 61 9

4th. In cases in which villages with different headers are combined and made into one Taika, the person having the largest share ~~should~~ will have the office and the names of all other sharers ~~should~~ will be entered in the register as subordinate headers for the combined village possessing a fractional share in it, the fraction being determined by the ratio which the revenue of the minor villages bears to that of the combined village at the time of the amalgamation. The minor headers will have a preferential claim to the entire hak when the major headers fail, or to officiate during the minority or other disability of the major headers ~~in the order~~ mentioned.

Madras Rule 5. 3.

Revenue Board's Proceedings dated 1st June 1876

5th. Any village may be divided into two or more villages whenever it appears that such a course is desirable as a matter of administrative convenience

(57)

10. 6. Proposals for the ~~division~~ or division, comprising ~~or~~ amalgamation of villages shall, in the first instance, be published by the Deputy Commissioner in the ~~official~~ gazette, together with a notice calling on the persons interested, or ~~state~~ persons, in writing, their objections, if any, to the proposals, within a period of not less than one month from the publication of such notice. A copy of the notice shall also be affixed in some conspicuous part of the village or villages likely to be affected. On the expiry of such period, as aforesaid, the Deputy Commissioner shall submit his proposals to ~~the~~ ~~Government through the~~ ~~Board~~ Revenue Commissioner, with an abstract of the objections, if any, received and his remarks thereon. The ~~Government~~ Rev Commr shall consider such objections and pass such orders on the proposals as ~~they~~ he may deem fit, ~~which shall thereupon be final~~ The order so passed ~~Copies of such orders~~ shall be published in the official gazette

Madras Rule 6

Consult the Supdt of Rev Surveys & Shall

[Adapted from Madras Rule 6.
Board of Revenue passes final orders
there. The powers vested in Govt & Govt to Rev Com]

Header Rule 7]

7 In selecting persons to fill the new offices created under Section 6(1), or those retained or increased under Section 6(2) the Deputy Commissioner or Assistant Commissioner shall be guided generally by the provisions of Section 8(1).

[Discussion of this by Council published in Minutes of the 12th March 1908. page 12]

If there are more persons than are satisfying those conditions, the Deputy Commissioner or Assistant Commissioner shall take into consideration the length of enjoyment of the office, the amount of emoluments enjoyed previous to the formation or amalgamation, the educational qualifications, and the community to which the person belongs and shall select the person who is the most eligible in the circumstances

H. O as regards each such person

VII The holding of enquiries and other matters coming under Section 7;

11. The holding of enquiries & other matters coming under

89 Declaration bar

(7)

in public at which the parties or their duly authorised agents shall have the right to attend

[Madras Rule-8]

and proof of the Council in Appeal

12

The charges preferred against the village officer, the pleas urged by him in defence, and the statement of witness, if any, when the accused shall be entitled to produce ~~or adduce~~ ~~if any, necessary~~ will then shall be recorded. All witness shall be examined in the presence of the accused. All documents produced shall be open to inspection by the accused and his remarks thereon shall be recorded.

Who may cross examine all witness examined in support of the Charge

An enquiry may be made in the absence of the accused, when the revenue officer or head of the village holding the enquiry is satisfied for reasons to be recorded that he has intentionally and contumaciously absented himself from the enquiry or that he is incapable, by reason of illness, mental or bodily, from attending within a reasonable time, not being less than 2 months from the date of the order directing him to

appear and answer the charge preferred against him before, however proceeding with the enquiry in such case, the revenue officer or holder will issue a fresh notice to the accused intimating the fact that the said officer or holder is satisfied as above and that the enquiry will proceed ex-parte on a specified date

Madras Rule 9) 13 (9) In passing orders in such case, the revenue officer or the holder of the circuit as the case may be, shall briefly sum up the evidence on the several charges and record either in English or in Canarese a distinct order of acquittal or conviction on each charge with a concise statement of the reasons therefor and the sentence passed on conviction

Madras Rule 14] 14. (10) At the foot of the order, the date on which the time allowed for preferring an appeal expires shall be clearly specified, and a copy of the order shall be furnished free of all charges to the village officer or servant concerned.

(6) (57)

Retain

Hearing of appeals under section 17 against orders passed under sec 6 or 7

15

Madras Rules 11 When an appeal is preferred from an order passed under section 6 or 7, the memorandum of appeal shall set forth concisely and under distinct heads the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively. The memorandum of appeal shall be accompanied by the copy of the order furnished to the petitioner under the above rule or by an authenticated copy of such order

16

Madras Rule 12 When a memorandum of appeal is admitted, the appellate authority shall fix a date for the hearing of the appeal, and shall give due notice thereof to the appellant.

17

Madras Rule 13 When the appeal is from an order passed under section 6, due notice thereof and the date of hearing shall be served upon the person

whose appointment is objected to, who shall be the respondent in the said appeal. Such notice shall declare that if he does not appear on the day so fixed, the appeal will be heard ex parte

Madras Rule 14 — 18

1st On the day so fixed, or on any other day to which the hearing may be adjourned, the appellant (or his duly authorised agent) shall be heard in support of the appeal when the appeal is from an order passed under section 6, the respondent shall also be heard if present

Madras Rule 15 — 19

2nd When an appeal is heard ex parte or in the absence of the respondent and if decision be given against him, he may apply to the appellate authority to rehear the appeal if he proves that the notice was not served on him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing

Madras Rule 16 — 20

3rd If the appellate authority consider that further evidence is necessary, it may take

such evidence itself or may direct the officer whose order is appealed against to take the additional evidence and to transmit the record thereof to the appellate authority by a specified date.

Madras Rule 17 — 21 — In all cases where additional evidence is directed or allowed to be taken, the appellate authority shall specify the points on which the evidence is to be confined

16 to 17

18 — 22 — Nothing in rules 12 to 17 shall prevent the appellate authority from rejecting an appeal summarily or, on perusal thereof and after hearing the appellant, he considers that there is no sufficient ground for interference.

19 — 23 — The officer hearing the appeal shall record the decision and the reasons therefor in his own hand in English and shall furnish a copy of it free of charge to the appellant as well as to the revising officer or holder whose order is appealed against.

16, 20, 21 & 23(12)

Mendment Rule 20]

24

Rules ~~11, 15, 17 & 19~~ shall apply to appeals preferred to the Revenue Commissioner also. Appeals to him shall be forwarded through the Deputy Commissioner who shall, with no avoidable delay, forward the same to him with the records of the case and with a report dealing with any new allegation that may be made in the petition. He may, for this purpose make such further enquiry as may be necessary

Under Subsection (5) of Sec 7

25

Revenue Rules pages 55 and 56

A hereditary village officer who has been convicted of a criminal offence may be dismissed from employment but his right to the office should not be confiscated to the detriment of his heirs, unless the criminal act was done in the execution of his office and affects [illegible] cases where an entire alienation of the hereditary

(13)

~~bak~~ from a family would be justifiable should not be judged according to the atrocity attached to the offence, but according to the bearing which it has on the responsibility of the officer to government. [A murder or a rape should not entail a forfeiture of the ~~bark~~ land.] [But] if a patel or chaukidar be dismissed for treason, serious defalcation, embezzlement of public money, for keeping an illegal cess from the raiyats or for fraudulent or clandestine enjoyment of government land, his emoluments and privileges may be declared to be forfeited and pass away from his family. In such case, a divided brother or a cousin of the dismissed individual having no joint interest with him ~~of the heir of the person holding the post determined~~ ~~determined under section 8(2) of the Regulation~~ may succeed to the office and the rights attached to it, provided he is qualified under sec 8(1) of the Act.

or other offences of a similar ~~nature~~ serious nature,

X

(14)

Except in extreme cases when it is considered necessary that the family should be altogether deprived of ~~the~~ its right to the office by the unqualified appointment of a stranger to it,

26

In the event of no divided members having available ~~to apply to the office~~ a claim, or ~~the office~~ may be appointed to the office a stranger for a limited period, say 10 or 20 years, with the reversion of the office at the end of that term to the heirs of the dismissed official.

New Manual page 48
Progs No 927-34-1885/5/1888

27

Explanation 1. When dismissal for a term is ordered, the dismissed officer or servant should under no circumstances be restored to the office or to undivided members, appointed thereto during his life time, without the special sanction of Government.

Revenue Manual page 418 explanation
Progs No 3257-P.7 231 & 14/12/1892

All that is necessary When a stranger is appointed to the office ~~that~~ his appointment should be declared temporary and terminable on the death of the dismissed servant, unless the death takes place soon after the dismissal ~~within a certain period~~ in which case the stranger may be allowed to hold office till the expiry of a reasonable period which will afford sufficient inducement to duly qualified men to accept the office temporarily

Explanation I.

28

(15) 97

Section 6.

Limit of fees and suspensions

29

The ~~to impose~~ fees imposed by servants of village offices, the Revenue officers or the holders of alienated villages as the case may be, ~~should be guided by the provisions of sec 33 of the Land Revenue Code, Regulation II of 1888~~ and in fixing the term of suspension regard shall be had alike to the grants of offence and the need of guarantee to the stranger appointed to the office temporarily but he would not be required to quit the office within a definite period, so that there might be inducement for efficient men to accept the office. The term of suspension should depend upon circumstances of each case and ordinarily a term not exceeding 10 years will suffice

III Matters falling under Sections 8 and 9

(a) Educational qualifications required for the holders of village offices

× H. V
× H.
b Rule × d H.
New Manual
page 68. Clause (e)

Note —

The definition of "Revenue officer" in sec 3 & the specific mention of "village officer" in the proviso to sec 30 of the Land Revenue Code show that "village officers" are also "Revenue officers" under the L.R. Code

Shall not exceed 6 months' pay in the case of patels & shanbogs — shall not be excessive in the case of others.*

* Note — vide discussion in Legislative Council page 13. H. D.

98

(26) (a) Educational qualifications required for the holders of village offices

Patels

29

25. Ability to write up registers of vital statistics, to give receipts to the village and to write reports on ordinary occurrences, will be regarded as a necessary qualification for patels. These qualifications will be insisted upon from and after the 4th Dec 1909 and in filling up vacancies arising after that date, literate members of the a hereditary family will be preferred to illiterate persons.

G. O. No 5671-80 dd 11.M.-5th-05-12 a/12/06.

H. S. 8 M (3)

G. O. No R 11541-20 8/12/06 RM 28-05-8

H S. 8 M (2)

Shanbhogs

The Claimants to the Shanbhogi offices shall be required to pass an examination on the following subjects:—

1) Reading and writing Canarese well and neat figuring;

2) Arithmetic up to Simple interest

3) Land Revenue rules with special attention to the rules

(iii) relating to the maintenance & repair of field boundary mark

(iv) village offices Manual; a

(v) drafting reports regardi ~~Dawathraj that has taken plac~~ occurrences in the village

~~Abolished~~

On the occurrence of a vacancy, the hereditary claim ant shall be examined in the above subjects by the Dept Jomma or an Assistant Jommar deputed by him for the purpose and if the claimant be found fit he shall be appointed thereto provided he is duly qualified otherwise.

Under Sec 8(2)(b)

37 2. The order of importance among recognized hakedars entitled to succeed to a village office under Sec 8(2)(b), shall follow the proportion of their shares of their families in the Hak as may be ascertained by reference to the Revenue Records of Rights or from such other evidence as may be available

(18)

Persons belonging to families
members of which actually
discharged the duties of the
office for a portion of the year
or otherwise by rotation shall
have preference to claimants
whose ancestors did not actually
hold office. As between per-
sons whose ancestors held
office in the past either by
rotation or according to any
other ~~system of~~ arrangement
preference shall be given
to the family whose enjoy-
ment of the office continued
to a later date than that of others.

28

See 8. Subsection (4)
Re appointment where
successor is a minor

(17) Sec 8, subsection 4.

No appointment when the successor is a minor

32 ~~28~~. In appointing a person to officiate in any of the village offices during the minority of the heir registered as successor thereto, regard shall be had to the wishes of the minor's guardian or near relative and some one acceptable under subsection (1) to them ~~should~~ shall only qualified be appointed thereto, if possible. But if the ~~person~~ heirs fail to nominate a competent person within such time as may be allowed by the Deputy Commissioner or Assistant Commissioner, in this event, the claims of the undivided members of the family who have a joint interest in the office, though for the time it is held by the senior member of the family only, shall be preferred (so long as there is no reason to think that they will prejudice the interest of the minor in the office. A

The Deputy Commissioner or Assistant Commissioner shall proceed to make the appointment

(existing Revenue Rules page 5-5 & New Rule (5-))

Jamadar once appointed should not be displaced merely because the minor or his guardian expresses a preference for some one else

Clause (IV)

~~The action to be taken in respect of alienation of emoluments contrary to the~~

(20)

Part IV The action to be taken in respect of alienation contrary to the provisions of sec

34. ~~29.~~ The following rules shall be observed in regard to the alienation of service inam land made by any holder of a village office contrary to the provisions of sec of the Regulation:

1. In the case of alienations made 12 or more years before the coming into force of the Regulation and where absolute interests in the land ~~or emoluments of a village office~~ have been transferred by sale, gift, etc the alienations will be confirmed and the alienee allowed to retain possession of the land ~~or other emoluments~~ concerned. In such cases, the Deputy Commissioner shall possess the land fully, and remove the same from the category of service inam land & treat them as unalienated land

(as by sale, gift, etc by inheritance or in execution of a decree of a civil Court)

subject however to the full survey assessment on the land being paid from the ~~date of the~~ year (1908-09) in which such alienation was made.

2. Where only limited interests in the land have been transferred by alienations ~~deemed to be~~ made 12 or more years ago, as by mortgage or lease without adequate rental etc,

(c) and in the case of all alienations made within 12 years immediately before the Commencement of the Village Offices Regulation, the Dy Commr or Assistant Commr shall direct the alienor to redeem the land or other endowments concerned from the alienee within a time to be fixed by him and on failure of the alienor to do so shall resume the same from the alienee or his assigns in the manner laid down below. ~~paying~~ ~~them~~ such Compensation as may seem desirable in the circumstances of the case from any amount that may be levied as a penalty from the alienor under rules 31 and 32 below

In such cases the Dy Commr shall at his discretion pay to the dispossessed alienee not exceeding the actual consideration on which the alienation was based

3 ~~And~~ Where an alienation is made subsequent to the passing of ~~these rules~~ the Village Offices Regulation the Deputy Commr or Asst Commr shall at once resume the land or other endowments concerned from the person or persons in whom the same may have been vested either by the holder of a village office or in execution of a decree of a civil court or otherwise.

35. ~~So~~ The resumption shall be made in the manner laid down in Sec 209 of the Code.

(xv)
for evicting persons wrongfully in possession of land or in any other suitable manner

36 If in the case where a holder of a village office alienates either wholly or in part any of the emoluments assigned for the performance of the duties of such office the Deputy Commissioner or Assistant may in addition to taking action under the preceding rules, dismiss such holder from his office and may proceed to make a new appointment thereto under Section 8 of the Regulation, making over the land or other emoluments of the office to the person newly appointed or restore the resumed emoluments to the ~~holder~~ heir or allow the person who made such alienation to continue in office and a penalty on him according to the circumstances of the case, and on his binding himself against making any similar alienations in the future In case where the holder of the office

(27) to dismissed under this rule, it will also be open to the Deputy Commr to declare the right of such persons and the right of his family to the office forfeited

37 32. When the emoluments alienated have not been assigned as the emoluments of the holder of village office and the alienations are contrary to the provisions of the proviso to Section 5 of this Regulation, the Dy Comr or Asst Commr may declare the right of the sharer or sharers who made the alienation and of their undivided family to the hereditary rank and its privileges forfeited & in the former case the resumed emoluments may be made over to the holder of the village office or to any other person sharing in the rank on such conditions as the Dy Comr or Asst Commr may impose or may be dealt with in such other manner as the Dy Comr may deem fit.

In addition to taking action under rule 27,

or allow them to retain possession of the land or the emoluments thereof and enjoy the privileges attached to the rank on their paying a penalty to be fixed by them.

Typed 2 copies as instructed by Secretary

G 12/4

Clause (v) (vii)

The procedure to be followed in filing and disposing of suits, appeals and applications and the Registers to be maintained in connection therewith

(a) Suits

The whole of this part with the exception of rules 45 to 48 has been adopted by the Kerala Rules with minor changes

38 ~~33~~ 30 Every suit under section 11 of the Regulation shall be instituted by presenting ~~to the~~ a plaint in English or Canarese to the Deputy Commissioner or Assistant Commissioner as the case may be.

39 ~~34~~ 31 The plaint must contain the following particulars:—

(a) the name of the Court in which the suit is brought;

(b) the name, ~~description and place~~ description, and place of residence of the plaintiff;

(c) the name, description and place of residence of the defendant so far as they can be ascertained,

(d) a plain and concise statement of the circumstances constituting the cause of action & the date of accrual thereof;

(e) the nature of the plaintiff's claim and the provision of law under which it is made,

and (f) a demand of the relief which the plaintiff claims

35 ~~37~~ The plaint shall be
38 accompanied by as many
40 copies or concise statements
thereof as there are defendants
and shall be signed and verified
at the foot by the plaintiff
(or his duly authorised agent)

~~36~~ The plaint shall be rejected
37 in the following cases:—
42 (a) if the plaintiff is not
eligible for appointment
under subsection (1) of section
8 of the Regulation;
(b) if the suit appears from
the statement in the plaint
to be barred under section 28
of the Regulation or any pri
-ciple of law;
(c) if the suit is for a
mere declaratory decree;
(d) if the plaint returned
for amendment is not
amended within the specified

43 ~~38~~ 39 When a plaint is rejected
the authority rejecting the same
shall record his reasons therefor

41 39 When the officer is of opinion
that a plaint does not comply
with the requirements of the
rules ~~28, 29 & 32~~ 28, 29 & 32, he may
either return it to the plaintiff
or may permit the plaintiff
to amend the same

~~35~~ ~~36~~ A plaintiff must file
with his plaint all documents
in his possession or power
upon which he relies as evi-
dence in support of his
claim and a list of all
witnesses whom he wishes to
examine

~~40~~ ~~37~~ When the plaint is admitted
and the necessary process fee
is paid by the plaintiff the
authority concerned shall issue
a summons ~~to~~ to each defend-
ant and shall forward
therewith a copy of the plaint
or a concise statement men-
tioned in rule ~~35~~ 15 If however
the defendant be present at
the time of admission of
the plaint, the officer may
proceed at once with the
trial or investigation of the
suit.

~~38~~ The plaint shall be dis-
missed on failure of the
plaintiff to pay within a
reasonable time to be fixed
by the officer concerned, the
process fee for summoning
the defendant

~~37~~ The summons shall require
the defendant to appear at
the place therein named

on the days fixed and to bring with him, subject to all just exceptions, all documents in his possession or power which the plaintiff may desire to inspect or upon which the defendant relies ~~is~~ or intends to rely in support of his case.

43A. No documentary evidence in the possession or power of any party which should have been but has not been produced in accordance with the requirements of rule 43 ~~35~~ shall be received at any subsequent stage of the proceedings, unless good cause can be shown to the satisfaction of the presiding officer for the non-production thereof. The officer receiving such evidence shall record his reasons for so doing.

44 ~~41~~ On the date of the first hearing each party shall be entitled to demand that any person whose evidence ~~the~~ the party requires shall be ~~is~~ summoned and examined as witness or that any person shall be summoned to produce a document and the officer trying the suit shall

(28)

Comply with such demand unless for reasons to be recorded he considers it unnecessary to do so

Revenue Code S198

45 to 50 Every Summons under this above rule, shall be in writing in duplicate; and shall state the purpose for which it is issued and shall be signed by the officer issuing it and shall bear if he have a seal shall also bear his seal

51 to 53 It shall require the person summoned to appear before the officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce documents or for both purposes

54 to 57 It shall be served by tendering or delivering a copy of it to the person summoned or his authorized agent if any, or if these cannot be found, by leaving a copy of it with some adult member of his family residing with him or by affixing a copy of it to some conspicuous part of his usual residence.

58 to 61 If his usual residence be in another district the summons may be sent by post to the Officer of that district who shall cause it to be served in accordance with the above provisions

35. If, on the day fixed for the trial of the suit or on any subsequent day to which the hearing of the case may be adjourned, neither of the parties appears in person or by authorized agent, the suit shall be dismissed.

36. If the defendant appears and the plaintiff does not appear, the Collector shall dismiss the suit unless the defendant admits the claim or part thereof, in which case the Collecto he shall give judgment against the defendant on such admission -- without costs; provided that such judgment, if there be more -- than one defendant, shall be only against the defendant who ~~m~~ makes the admission.

37. If the plaintiff appears and the defendant does not appear, the Collector upon proof that the summons was duly served on the defendant, shall hear the case and may pass judgment ex parte against the defendant.

38. In the case of a judgment by default or ex parte the Collector shall on good and sufficient cause being shown ~~within thirty days from the date of the decree,~~ shall pass an order to set aside the decree and shall appoint a day for proceeding with the suit. Provided that no such decree shall be altered, modified or reversed unless the adverse party has been summoned and heard in support of it if he appear.

39. When the defendant appears, the Collector shall ascertain from him whether he admits the claim made in the pla

plaint, and if he does not, shall require him to state his objections. His statement shall be recorded in writing.

40. In the hearing of the suit the examination of the parties or their authorized agents and of the witness shall be upon oath or solemn affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses.

41. The evidence of the plaintiff, defendant and witnesses shall be taken down in the form of a narrative ~~in the vernacular language of the district or~~ in English or in Canarese, and shall be signed by the ~~Collector~~ presiding officer after being read over and being explained, if ~~necessary,~~ to the deponent.

42. The ~~Collector~~ Officer may call for any additional evidence or documents and summon any additional witnesses necessary to elucidate the case.

43. The ~~Collector~~ Officer may in any suit grant time to the plaintiff or defendant to proceed in the prosecution or defence of the suit or adjourn the hearing for any sufficient reason to be recorded in writing in such manner as to him may seem ...

... of the suit shall comprise the plaint, ... have been issued or copies of them, the

any written statement which the defendant may have filed, the evidence of the witnesses and a list of the documents filed. Such documents when retained by the ~~Collector~~ presiding officer shall be included in the record.

45. On the hearing of the suit being completed, the ~~Collector~~ officer shall pronounce ~~his~~ decree, which shall ~~be prepared as~~ contain the material statements of the parties, the material portions of the evidence ~~required in clause (iii), sub-section (i) of section 16 of~~ the Act, and the reasons therefor and shall be dated ~~Act, and shall be dated and signed by him at the time when it~~ is and signed by him at the time when it is pronounced ~~pronounced.~~

46. The decree shall state the amount of costs incurred in the suit, the names of the parties by whom incurred, and the proportions in which such costs are to be paid.

47. Certified copies of the decree shall be furnished -- to the parties on application to the ~~Collector~~ Court concerned and at their -- expense.

48. The death of a plaintiff or defendant shall not cause the suit to abate ~~the~~ but the right to sue survive~~s~~.

(h) Procedure in regard to appeals from decrees or orders passed in suits.

49. An appeal from a decree or order passed by a ~~Collector~~ Assistant Collector in suits filed under section 11 shall set forth concisely and under distinct heads the grounds of objection to such decree or order without any argument or narrative, and such grounds shall be numbered consecutively.

of ~~the~~ his decree shall also be forwarded to the appellant and to the respondent.

55. In a second appeal to the ~~Board of Revenue~~ Revenue Commissioners the memorandum of appeal shall be accompanied by authenticated copies of the original and appellate decrees.

56. The ~~Board of~~ Revenue Commissioners may call for the records of the case and may cause further evidence to be taken by the ~~Collector~~ Asst. or Dep. Commr. and may direct him to return a finding on such points as may be necessary.

57. A copy of the decree shall be forwarded to the appellant and to the respondent and also to the ~~District Collector~~ Asst. or Dep. Commr.

(c) Registers to be maintained in connection with suits and appeals.

58. Three registers shall be maintained in the Forms I to III given in appendix V, viz., (i) register of suits, (2) register of appeals, and (3) register of summonses.

~~(c)~~ VI. Under clause (VI) The execution of decrees and orders passed in suits and the taxation of costs.

A. Execution of decrees and orders passed in original and appeal suits.

59. When the holder of a decree or order desires to execut it, he shall submit to the ~~Collector~~ Asst. or Dep. Commr. who passed the decree or order in the first instance an application in writing in the following form :-

(34)

Form of application for execution of decrees or orders passed in original and appeal suits.

Number of suit to which the application for execution relates.	Names of the parties to the suit.	Date of the decree or order.	Whether any appeal has been preferred against the decree or order.	Name of person against whom decree or order is sought to be executed.	Mode in which the assistance of the court is required whether by delivery of property, &c., recovery of money, &c.	Whether the necessary process fee has been produced with the application, and, if so, the amount thereof.	Previous proceedings if any, taken in execution.

60. The application shall, on receipt, be dated, and shall then be entered in the register to be kept for the purpose and also in the remarks column of the register of suits. If the application is not barred by limitation, and if, within 30 days from the expiration of the time allowed, no orders have been received from the appellate court staying the execution of the decree or order specified in the application, the Collector may proceed to execute such decree or order in the following manner:-

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manner:-

(a) When any person is declared to be entitled to the possession of immovable property-by issuing a warrant under the hand and seal of the ~~Collector~~ Deputy Commissioner addressed to some person named therein authorizing such person to give possesion of the immovable property according to the adjudication. and to remove, if need be, any person bound by the decree or order who refuses to vacate the property.

(b) When any person is declared to be entitled to a certain rent or reveue from land-by issuing a notice in writing and under the hand and seal of the ~~Collector~~ Deputy Commissioner to the person who posses the occupancy right in such land directing him to pay such rent or revenue to the decree holder.

(c) When anyperson is adjudged liable to pay mesne profits or costs or any sum of money- by proceeding in the manner provided for the recovery of arrears of land revenue.

(d) In cases whre any person is declared to be entitled to the possession of an office- by a notice in writing under the hand and seal of the ~~Collector~~ Deputy Commissioner prohibiting the person or persons named therein from exercising the functions of the office or performing the duties thereof, or collecting the emoluments attached thereto, if any. In cases where rent or revenue from lands forms the emoluments of the office, notice shall also be given to the person who possess the occupancy right in such

(47) 118

such lands directing him to pay the rent or revenue to the --- decree holder.

61. No payment under a decree and no adjustment of it shal be recognized by the ~~Collector~~, unless it be intimated to him for record in the register of suits.

62. Registers of applications for execution and of warrant or other processes issued in execution of decrees shall be maintained in Forms IV and V prescribed in appendix F. Forms of the warrant and notices referred to in Rule 29 are printed as Forms VI, VII, VIII and IX in the same appendix.

B.-- Taxation of costs.

63. The costs of all suits or appeals or of execution shall be calculated with reference to the scale of fees prescribed in appendix N. No costs shall be awarded as pleaders' fees.

The payment of expenses of witnesses shall be regulated by Rules 1 to 16 of the Code of Civil Procedure; and the scale of such expenses shall not exceed the scale from time to time prescribed for Civil Courts by the Chief Court. ~~Cl VII~~

(Clause VII). The emoluments to be assigned to holders of village offices and the method of assessment & payment thereof.

64. The remuneration of Patels and Shenthagis and the method of assessment thereof shall be regulated by the following rules:—

~~78~~ A
83

To be entered in Revenue Book 78

All service man lands entered in the Rev accounts as such and held on the condition of the holder of the land rendering ~~so~~ any service appertaining to any village office shall form an emolument of such office.

Cl VII

78 84

In the case of a patel
or Shanbogs, where the holder of
the office is wholly remu-
nerated in cash as laid
in the manner described
in Rule 78, the service inam
land forming an
emolument of such
office under the preceding
rule shall form no part
of the remuneration of the
holder of the office for the
time being and shall be regarded as
assigned as emolument
to the holder of the office
within the meaning of
the proviso to section 5

Such land will
therefore remain in the

possession of the shares
in the family hak who
may at present hold
it & may be transferred
partitioned or encumbered
as between different
members of the hakdars
family to the extent
permitted by the provso
to sec 5.

85

78. B. 85

In the case of a village office the holders of which are wholly or partly remunerated in Cash any service land, attached to the office and entered in the Rev-accounts as such shall be regarded as assigned as an emolument to the holders of the office for the time being within the meaning of the proviso to section 5

Cl VII (87) 119

The emoluments to be assigned to holders of village offices and the method of assessment and payment thereof:

86 Cash
The remuneration of ~~the holders of~~ Patels and Shanbhogs and the method of assessment thereof shall be regulated by the following Rules:—

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forming an emolument of the office

I. All ~~official~~ land, whether recorded as *inam* or *jodi inam*, or otherwise, shall be valued at the survey assessment of the same, less the amount of the *jodi* tax or other cesses to which it may be subject as recorded in the public accounts of the year.

II. Cash allowances from the Government Treasury, under whatever name they may be entered in the public accounts, shall be recorded at the amount so entered in the accounts of the year.

III. The sum total of the emoluments valued according to the above two rules is to be taken as the existing valuation of the emoluments of the office.

IV. The ~~officiating~~ Patel and Shanbhog of each village shall hereafter receive for the performance of the duties of their offices, a remuneration in cash of at least the amount fixed by the following scale for these offices, respectively.

PATELS' SCALE.

V. For the first thousand rupees of the gross revenues of his village, three per cent; for the second thousand or any part of it, two per cent; and for the balance of gross revenue beyond two thousand rupees, one per cent. In the case of villages where the collections do not exceed Rs. 300, he shall, in addition to the above percentages, receive a fixed annual allowance of one rupee, when the gross revenue ranges from eleven to fifty rupees; of two rupees, when the gross revenue ranges from Rs. 51 to 300; or so much of it, when the gross revenue exceeds Rs. 250, as shall be required to make the salary up to but not exceed rupees ten per annum.

SHANBHOGS' SCALE.

VI. For the first thousand rupees of the gross revenue of the village, or villages forming a Shanbhog's charge, four per cent; for the second thousand, three per cent; for the third thousand, two per cent; for the fourth thousand, one per cent; and for the balance of gross revenue beyond four thousand rupees, one per cent.

VII. In addition to his salary, the officiating Shanbhog shall also receive an allowance for stationery as shown in the subjoined table, and the officiating Patel shall also receive the same allowance when he does not receive the extra allowance provided for in Rule XII.

Gross Revenue of village.		Stationery allowance. Rs. a. p.	Gross Revenue of village.		Stationery allowance. Rs. a. p.
up to Rupees 20		.. 1 0 0	1,251	1,500	.. 6 0 0
21	50	.. 2 0 0	1,501	1,800	.. 6 8 0
51	100	... 2 8 0	1,801	2,000	... 7 0 0
101	200	... 3 0 0	2,001	2,500	.. 7 8 0
201	350	.. 3 8 0	2,501	3,000	... 8 0 0
351	500	.. 4 0 0	3,001	3,500	... 8 8 0
501	700	.. 4 8 0	3,501	4,000	.. 9 0 0
701	900	... 5 0 0	4,001	4,500	... 9 8 0
901	1,250	.. 5 8 0	4,501	5,000	.. 10 0 0

VIII. The following table shows the amount of salary to be paid to officiating Patels and Shanbhogs according to the preceding scale :—

Gross Revenue of the village.	Patels' salary. Percentage. Rates. 1st Thousand.	2nd Thousand.	3rd Thousand & upwards.	Amount.	Additional fixed allowance.	Contingent allowance under Rules VII or XII.	Total salary and allowances.	Shanbhogs' salary. Percentage. Rates. 1st Thousand.	2nd Thousand.	3rd Thousand.	4th Thousand.	Amount.	Stationery allowance.	Total including Stationery Allowance.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
15	3	..	...	0 —12	1	1—0	2—12	4	..	..	...	0—10	1—0	1—10
25	3	..	...	0—12	1	2—0	3—12	4	...	..	...	1— 0	2—0	3— 0
50	3	..	...	1— 8	1	2—0	4— 8	4	..	..	..	2— 0	2—0	4— 0
75	3	..	...	2— 4	2	2—8	6—12	4	..	...	...	3— 0	2—8	5— 8
100	3	..	...	3— 0	2	2—8	7— 8	4	.	...	...	4— 0	2—8	6— 8
150	3	..	...	4— 8	2	3—0	9— 8	4	..	.	.	6— 0	3—0	9— 0
200	3	..	...	6— 0	2	3—0	11— 0	4	...	..	...	8— 0	3—0	11— 0
300	3	..	...	9— 0	1	3—8	13— 8	4	..	...	...	12— 0	3—8	15— 8
400	3	..	...	12— 0	..	4—0	16— 0	4	...	..	...	16— 0	4—0	20— 0
500	3	..	...	15— 0	.	4—0	19— 0	4	...	...	..	20— 0	4—0	24— 0
600	3	..	...	18— 0	..	4—8	22— 8	4	..	..	..	24— 0	4—8	24— 8
700	3	..	...	21— 0	..	4—8	25— 8	4	..	..	..	28— 0	4—8	32— 8
800	3	..	...	24— 0	..	5—0	29— 0	4	..	...	...	32— 0	5—0	37— 0
900	3	..	...	27— 0	..	5—0	32— 0	4	..	..	...	36— 9	5—0	41— 0
1,000	3	..	...	30— 0	..	5—8	35— 8	4	..	...	..	40— 0	5—8	45— 8
1,100	3	2	...	32— 0	..	5—8	37— 8	4	3	..	...	43— 0	5—8	48— 8
1,200	3	2	...	34— 0	..	5—8	39— 8	4	3	..	...	46— 0	5—8	51— 8
1,300	3	2	...	36— 0	..	6—0	42— 0	4	3	..	...	49— 0	6—0	55— 0
1,400	3	2	...	38— 0	..	6—0	44— 0	4	3	..	...	52— 0	6—0	58— 0
1,500	3	2	...	40— 0	..	6—0	46— 0	4	3	..	...	55— 0	6—0	61— 0
1,600	3	2	...	42— 0	..	6—8	48— 8	4	3	..	..	58— 0	6—8	64— 8
1,700	3	2	...	44— 0	..	6—8	50— 8	4	3	...	..	61— 0	6—8	67— 8
1,800	3	2	...	46— 0	..	6—8	52— 8	4	3	..	...	64— 0	6—8	70— 8
1,900	3	2	...	48— 0	..	7—0	55— 0	4	3	..	..	67— 0	7—0	74— 0
2,000	3	2	...	50— 3	.	7—0	57— 0	4	3	...	..	70— 0	7—0	77— 0
2,100 & so on to	3	2	1	51— 0	..	7—8	58— 8	4	3	2	...	72— 0	7—8	79— 8
3,000	3	2	1	60— 0	..	8—0	68— 0	4	3	2	..	90— 0	8—0	98— 0
3,100 & so on	3	2	1	61— 0	..	8—8	69— 8	4	3	2	1	91— 0	8—8	99— 8

Note.—The stationery allowance in para 14 shall, when there are more villages than one, be calculated village by village and not on the gross revenue of the charge.

(38 / 120

Revenue, dated 2nd June 1903.

IX. The salaries of officiators fixed by the preceding rule form the minimum rate of remuneration; but an addition to the fixed portion of the officiator's allowance, according to scale, will be made in certain cases specified in the following subsidiary rules.

X. When the total emoluments (as found by Rules I and II) exceed the scale amount (as found by Rules V and VI), such excess up to a limit of Rs. 2 and, if over Rs. 20, at 2 per cent, will be assigned to the officiator as a personal allowance in villages having a gross revenue of less than Rs. 500; up to a limit of Rs. 5 and if over Rs. 50 at 5 per cent in villages having a gross revenue of Rs. 500 but less than Rs. 1,000; and up to a limit of Rs. 10 or, if over Rs. 100, up to 10 per cent, in villages having a gross revenue of Rs. 1,000 or more.

XI. In the case of towns, large villages, and villages in the vicinity of Railway stations, camping grounds, large marts and similar localities, the Patels of which are ordinarily called upon to perform heavy miscellaneous duties, an extra allowance not exceeding Rs. 15 per annum will be assigned to the Patel (and where there are two officiating Patels to each Patel) in addition to the salary of the office fixed by the scales in Rule VIII.

XII. The gross revenue of the village, referred to in Rules V and VI, is the whole revenue leviable for any year before deducting any remissions.

XIII. Patels and Shanbhogs shall receive their emoluments by a deduction of the amount of the same from the assessment on their *kandayam* lands, the same being adjusted at each annual Jamabandi and duly shown accordingly in the village accounts, to prevent complications. Where the assessment on their lands is insufficient for this purpose, the balance will be made up by their deducting it from the last instalment of revenue, before paying such instalment into the Taluk Treasury. In this latter event, the receipt of the Patel or Shanbhog for the amount of such balance as so deducted shall be considered equivalent to the payment into the treasury of an equal sum in cash.

XIV. The amount of quit-rent fixed under these rules on the holding of each share-holder is fixed for the term of settlement, but the total emoluments of the officiators will be revised once after ten years, if necessary, and will be modified according to the same scale in proportion to the revenues of the village as then realized.

XV. The assessment of the occupied Government land (plus 10 per cent of the assessment of the unoccupied assessed waste Government land but not thereby exceeding the gross assessment of the Government land of the village) in the year in which the settlement of remuneration of village officers is made, will be taken for the calculation of the remuneration of officiators.

XVI. The existing official emoluments valued as provided for in Rules I and II will be appropriated for the support of the officiator in the manner specified in the following rules, and the balance of emoluments remaining, after providing for the officiator, is to be disposed of for the future in the manner also provided for in these rules.

XVII. The emoluments derived from land as fixed by Rule I shall first be appropriated to provide the salary of the officiator.

XVIII. When the emoluments derived from land are insufficient to provide the salary of the officiators, the cash emoluments from the Government Treasury will next be appropriated to make up the salary of the officiator.

XIX. Any deficiency, after appropriating all the emoluments from land and cash, shall be made good from the Government Treasury.

XX. Any surplus on the existing emoluments in land and cash remaining over, after providing the salary of the officiator, shall be dealt with as follows.

XXI. If the emoluments derived from land alone are more than sufficient to provide the salary of the officiator, the surplus shall be taxed by the imposition of additional *Jodi* equal to one-half the net profits on the above land.

XXII. Any surplus remaining out of the cash emoluments after providing the salary of the officiator shall be at once resumed by Government.

XXIII. When the official land of any office is held in shares, and these shares with the amount of *Jodi* and other cesses now payable on each, are separately recorded in the village accounts, then the additional tax imposed upon the whole official land of the office under this rule is to be apportioned on the several shares in proportion to the sum by which the full survey assessment of the land of each share exceeds the present *Jodi* and other cesses payable on the same, as

shown in the following example, in which the emolument of an officiator amounts to Rs. 30 :—

Names and Shares.	Survey assessment of the land of each share.	Deduct *jodi* cess now paid on each share.	Remaining profit on each share.	Addition to *jodi* in column 3 apportioned on profit in column 4 for payment of officiator.	Unappropriated excess of profits, being difference between columns 4 and 5.	Additional half *jodi* on excess in last column.	Future *jodi* cess on each share being sum of columns 3, 5 and 7.
1	2	3	4	5	6	7	8
	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
1 Karibasvegauda's	16 0	23 0	..	..	..	..	23 0
2 Nimbegauda's ..	69 12	46 0	23 12	9 12	14 0	7 0	62 12
3 Basvegauda's ..	46 8	25 12	20 12	8 4	12 8	6 4	40 4
4 Lingegauda's ..	118 4	89 0	29 4	12 0	17 4	8 8	109 8
Total ...	250 8	183 12	73 12	30 0	43 12	21 12	235 8

XXIV. In settling the amount of *jodi* to be paid upon each share, fractions of less amount than ¼ rupee are not to be admitted into the accounts in accordance with the rule followed in regard to all Survey assessments.

XXV. Nothing contained in any of the preceding Rules shall be considered as debarring any village hereditary officer from relinquishing his official land when so disposed; and every such officer shall, at any time, whether at or subsequent to the introduction of the settlement prescribed in these Rules, be permitted to relinquish by written *Razinama* any entire field or fields into which official land may have been marked off by the Survey, and on so doing the relinquished field is immediately to be entered in the accounts as Government land, and the total jodi now payable by the hereditary officer is to be reduced by the full amount of the Survey assessment of the relinquished fields.

XXVI. The official land under the settlement prescribed in the foregoing Rule will form no part of the remuneration of the officiator, who is to be paid wholly in cash, and the land will therefore remain in the possession of the sharers who may at present hold it.

XXVII. The charges of Shanbhogs will be re-distributed so as to give each officiator as many villages as he is capable of managing. When more villages than form a sufficient charge are already in the hands of one officiator, he will be required to give up the surplus villages for which one or more new officiators will be appointed by Government. The new officiator or officiators will be appointed from the family in which the *hak* has been hitherto vested if a competent person can be found.

XXVIII. In all cases of incompetency of the officiator in direct hereditary succession, whether from age, sex, inefficiency, or any other cause, the next-of-kin, if competent, will be appointed; if no competent person of the family can be found, the nomination will rest with Government. Such nomination to hold good in case of a minority till the end of the year in which the minor shall attain full age (18 years); in other cases for 3 years, when the nomination will revert to the hereditary family if a competent person can be found therein.

XXIX. Any conviction of malversation in performance of official duties shall render the person convicted incompetent to officiate again, and shall deprive him, in cases of selection being vested in the members of the family, of any right to take part in such selection. It shall also be in the power of the District officer to exclude the son of a person so convicted from any of the rights or privileges of the office so far as succession or election to the performance of the duties.

XXX. The District officer will be the sole judge of the competency or otherwise of the person on whom devolves the performance of the duties of an office.

XXXI. In arranging charges, except in the case of single villages, as a rule no one officiator shall hold charge of villages with a collection of more than about Rs. 2,500, and when five or more villages are combined in one charge, no one officiator shall, as a rule, hold more villages than give a revenue of about Rs. 1,600.

XXXII. In small villages where only one office, either Patel or Shanbhog at present exists, or where both offices are vested in one person, he shall receive the full salary shown by the Shanbhog's scale, and 50 per cent of the Patel's salary according to scale, so long as he continues to perform the duties of both offices.

XXXIII. In large villages where there is no Patel or where both offices have been vested in the same person, a Patel will be appointed by Government, or the one family holding both offices may be called upon to nominate a separate officiator for each office as may seem fit to Government.

Method of payment of the above remuneration of Patels and Shanbhags

orders Nr.
1) 9145-58/ei 204 & 20/7/1850
2) 8745-53/ei 53 & 31/5/1852
3) 5744-53/ei 85 & 24/6/1852

87 The remuneration of patels and shanbhags shall be paid either at Jamabandi or soon after the financial year for which the payment is due, at Taluk the second quarter's meeting of the Sheristedar. It shall not be drawn by Sheikdars or other officers to be disbursed in the villages when they visit them. No payment which is not supported by the receipt of the person actually entitled to receive the same shall be admitted in the Treasury.

in the manner laid down in para XIII Nr Rule

A permanent order in the form prescribed in Appendix III to these rules shall be issued to each Taluk showing the salaries payable to each village officer. It shall be kept in a book form, a page being allotted to each village and each payment being entered in it with the date of payment or with the date and number of the cheque issued therefor and initialled by the Taluk Sheristedar

88 A copy of the permanent order

(12)

order shall also be given to the officer concerned, and if he produces it, the payment shall be posted in the Cash also. A separate receipt shall however be obtained from him and forwarded to the Comptroller as voucher for audit.

~~Arrears of allowances for a period exceeding 12 months~~

~~89~~ 85. The Patti allowance due for one year shall be paid by the Amildars within 12 months after it has became due without the sanction of the Deputy Collector and any arrears within 24 months shall be paid with his previous sanction. In arrears exceeding 24 months, the sanction of Government must be obtained

85. The Patti allowance if in arrears for a period exceeding 12 months & not exceeding 24 months shall be paid only with the previous sanction of the Collector

The remuneration of other village officers

~~89~~ 86. The remuneration of ~~the~~ village servants viz. Patis, Talaris and Nirganties shall, in the absence of any manual or the locality in which they serve, be regulated

in the shape of fees in agricultural produce other than emoluments in the shape of land assigned for the office

(43)

by the following rules: —

Letter No 123 of the 31st August 1878

(with Revenue)

47 pages

Talooks

I. In settled Talooks, the remuneration of the Talaries of each village shall consist of an allowance or nuniar fixed at 3 seers of grain for each acre cultivated by him, whether garden, wet or dry lands, payable by every raiyat holding land in the village

II. In the case of lands cultivated with sugarcane, Cocoanut or other garden produce, the nuniar may be paid in parts or cash at the option of the occupier.

II In unsettled Talooks, the nuniar of the village Talavaro is fixed at 2 seers of grain for each kind of dry land cultivated and at half a seer for each kind of wet or garden land cultivated, payable by every raiyat holding land.

III. The rate to be paid by residents of the village who are not cultivators shall be, in the Case of Mahalanfa-payers, one anna per rupee of such mahalanfa, and for those who do not pay Mahalanfa, two annas per house annually.

Talooks

IV. In settled Talooks, the remuneration of the Talaris of each village shall consist of a nuniar allowance fixed at 3 seers of grain for each acre cultivated by him, whether garden, wet or dry lands, payable by every raiyat holding

land in the (44) village

V In unsettled Talukas, the nuies of the village Ists is fixed at 2 seers of grain for each kuda of dry land and half seer for each kuda of wet and garden land cultivated, payable by every raiyat holding lands

VI The nuies will not be levied from non-agriculturists for the remuneration of village Ists

VI In settled Talukas, the remuneration of the village Nisantis shall consist of nuies allowance fixed at four seers of grain for each acre of wet and garden land irrigated from tanks and channels

VII In unsettled Talukas, the nuies of the village nisantis is fixed at one seer of grain per kuda of wet and garden land irrigated by tanks and channels, payable by every raiyat holding such lands in the village

VIII (1) Cultivators of lands irrigated from wells are not chargeable with the nuies allowance payable to village Nisantis

(2) The nuies will not be

levied from non-agriculturists for the remuneration of Village

VIII In regard to lands cultivated on batayi, the existing usage shall be followed as regards payment of the Village allowances

IX. No Class of lands shall be exempt from payment of Dues under the above rule, whether such be Jodi, Inam or Service Inam lands, as all Classes equally benefit by the services of these Village servants

91 ~~X. The above rule shall apply to Village Officers and servants in Sirkar unalienated villages.~~

The remuneration payable to Village officers & servants in alienated villages shall, in the case of a village into which Survey settlement has not been introduced, be governed by usage; and, in the absence of any such usage shall be fixed by the Collector or Assistant at a reasonable amount not exceeding the remuneration payable in accordance with the scale sanctioned for Jodi villages. In villages into which a Survey settlement has been

Rule 6 of the Revenue rules

H.P

introduced (46) the scale of remuneration shall be the same as that sanctioned for Government villages. The remuneration so fixed may if not voluntarily paid by the inamdar or other person bound to pay the same, be recovered from him as an arrear of Land Revenue.

Cl VIII

P. 7.6

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Clause VIII. (4) The duties of holders of village offices and the discipline and forms of accounts to be kept by them.

52 Sec. Patel. The Patel will be the headman of the village and have the safe custody of all revenue collected by him. He shall keep all revenue and grant receipts therefor and remit the same to the Taluk Cutcherry punctually as laid down in the Land Revenue Rules.

See Manual Cubbon Memo of Revenue Manual pages 50

His other important duties in revenue matters are:—

1) To keep in order tanks and nallas as well as to see to cultivation and collection,

the improvement of

2) To look after the jungles on hills and keep them from being destroyed

3) To look after the avenue trees on the road side and plant fresh ones, if necessary; and

4) To maintain in due repair the boundary marks in Government unoccupied lands attached to his village.

In police matters:—

The Patel should be vigilant so that no murders, robberies, dacoities, thefts or other heinous crimes are perpetrated within the limits of his village; he should trace out offenders and bring to notice matters of importance; should report at once to the police officer of the Taluk the arrival within the limits of his village of men who are said to be of bad repute or who have no ostensible means of livelihood or who are of thieving castes. He should also abide by the rules of the police

(vide 93) Shanbhag. The shanbhag is the accountant of the district or village as the case may be, and shall perform in the manner prescribed in the Land Revenue Rules, 129 the duties ~~of his office under rules~~ ~~§3, 65, 85(a) and §3~~ of the ~~Land Revenue Rules, as well as such other duties as may be imposed on him~~ by any law for the time being in force.

village accountants

~~85~~ The Talatis are the responsible watchmen of the village & its crops. They are required to assist patels and shanbhags in the collection of revenue; to act as guides to post offices and travellers of importance. And, in the absence of the Talati, have to perform the duties of that office in addition to their own.

~~85~~ The Talati is the accountant of the village. He ~~has~~ takes robbers and thieves, watches the movements of suspicious characters in village, and is to report the same to the Patel: and ~~assists the revenue officers in village matters under the orders of the Talati~~.

~~86~~ The Nirgunti regulates the supply of irrigating water to the wet lands of the village whether belonging to the ryots or Govt. ~~and has~~ to economise the supply of water for the purpose in every possible way. and to attend to its proper distribution bringing to the notice of the village officers any infringement by the

Has duty to

Has subsection for. Mr R 8326-34 of 1953-03-27 16/12/94

H. S 8(4)

(67)

Vaigals of any rule or
practice with regard to
the water supply to the wet
and garden lands below the
irrigation work concerned. It
is to his duty to see that the
water is wasted by the cultiv-
vators in any way, and
that the supply ~~is~~ and dis-
tribution in main channels
are properly maintained
and the supply of water
therein is not interfered with
by the vaigals. He should
further look to the safety
of the bund when any danger
to the bund is apprehended.
It is to be distinctly understood
that the mirgantis are
placed under the orders of the
village patil or shanbhag &
that no vaigal can call
upon them to perform his
directions and that it is
no part of their duties to do
the maintenance work of banks
and channels ie to remove
weeds & silt from the distributing
channels, which clearly falls
upon the vaigals concerned.

Besides the duties ~~above~~ specified above, the village officers ~~servants~~ mentioned above shall perform such other duties as may be entrusted ~~prescribed~~ by any law or rule having the force of law or by any competent authority.

Accounts & Registers

97 ~~84~~ The Patel shall maintain ~~such~~ registers and accounts as ~~may be~~ prescribed ~~in the Manual of village accounts~~ and such other accounts as may from time to time be required by competent authority to prepare.

from time to time under the Land Rev Code & Rules

What are the registers he keeps now?
1) Birth & death reg
2) Pound Register
3) Tenure Register
4) Inspection Register

which Particulars

~~91~~ 98. The Patel shall keep such registers & accounts as for statistical & other purposes such as the officer of authority may as may be prescribed from time to time.

Clause (1x).

Custody, production & transfer of accounts & other records kept by holders of village offices

Village accounts Manual 58

~~92~~ 99. The several registers and accounts which are required to be kept by the village officers shall be retained by them for the several periods specified against each in the ~~Schedule~~ appended to the Village Accounts Manual, before being sent into the Taluka

7-2

Circle Head room where they will be ultimately deposited and shall be disposed of in the manner shown against each in the tabular form appended below para 13 of Introduction to the Village Accounts Manual.

~~88~~ The accounts for each village should be kept in separate bundles or files and a general catalogue maintained. A list of all papers destroyed from time to time shall also be kept in the bundle

~~89~~ 87 The registers and accounts kept by village officers shall be open for inspection by the officials authorised by the Deputy or Asst Commr.

(all officials of the Rev dept of above the rank of Shekdar & other

Rendon Rules 87 & 100

~~90~~ In the event of the suspension or dismissal (under Sec of the Regulation) of a village officer, he shall hand over all the accounts and other records to his duly appointed successor or to such other person as the circle Shekdar or higher Rev Officer may direct.

Miscellaneous

Rent of lands to village officers

Rendon Rules 67, 69.

93 Circle Shekdars & Deputy Circle Shekdars

(a) Grant of leave to village officers

Madras Rules 67–69

(99) 101

X Miscellaneous

15. Subject to the limitations
may grant leave to village
officers for periods not ex-
ceeding 3 months at a
time. In general, such
leave shall be granted on
condition that the duties
of the office are discharged
by some relation or friend
of the officer, as a servant, on his own
responsibility. A state-
ment of the appointments
so made shall be submitted
quarterly to the asstt Commr
in charge of the taluk
officers for formal sanction.

Applications for leave for
longer periods than 3 months
shall be disposed of by the
~~Divisional officer~~ asstt Commr

102 ~~94~~ When a substitute is
appointed during the absence
of the permanent incumbent
on leave or suspension, the
~~deputy tour & shall be~~
~~substitute shall be given~~
~~such allowance as the~~
~~Dept Comr may deem~~
~~desirable~~

Madras Rules—70.

the whole of the pay of the office
for the period shall be paid to the
substitute, unless the Divn
or asstt Commr deems any other
course desirable in the circs of
the case.

Do (95) 103 ~~95~~ The rules laid down in
the General Service Regulations
as regards pay and acting
allowances shall not apply
to village officers

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153 (271)

APPENDIX IV

Sale of Process Fees.

Section I

	As.
1. Summons or notice to defendant or respondent	8
And to every additional defendant or respondent if applied for at the same time and if defendant or respondent resides in the same neighbourhood	4
2. Summons to a witness	8
3. And to every additional witness if applied for at the same time and if witness resides in the same neighbourhood	4
3. Warrant for delivery of possession of property.	12
4. Injunction, order or notice not otherwise provided for	8

Section II.

Processes issued for the recovery of ~~revenue~~ profits costs or other sum of money in the same manner as for the realization of arrears of revenue.

1. Notice authorising the distraint of movable property, but the service of which is not accompanied by actual distraint.	4
2. Notice authorizing the distraint of movables under which warrant is actually made.	8
3. Sale of movable property.	8
4. Notice served as a preliminary to the attachment of immovable property.	4
5. Notice of attachment of immovable property.	8
6. Notice of sale of immovable property.	8

Section III.

APPENDIX V

Forms.

1. Form of Register of suit.

Abstract of plaint.								
Number of suit.	Date of presentation of plaint.	Name and address of plaintiff.	Name and address of defendant.	To what office the suit relates.	Whether it refers to the office or its emoluments.	Result of suit.	Date of decree	The date and abstract of decree on appeal.	Remarks

II. Form of Register of Appeals.

Brief abstract of appeal								
Number of appeal.	Date of presentation of memorandum.	Name of appellant.	Name of respondent.	Number and year of original suit & the name of the Court which passed the decree or order appealed against.	To what Office the appeal relates.	Whether it refers to the office or its emoluments.	Result of appeal.	Dateof decree	Remarks.

III Form of Register of Summonses

Serial No.	Number of suit	Name of person to be summoned	Date of Application for summons	Production of Batta & Rules fee	Issue of summons	When returnable	When served	Amount of Batta & Process fee	Name of person to whom summons is entrusted	Remarks

IV Form of Register of Application for Execution of Decrees

Serial No.	Date of receipt of the application	Date of decree or order and No. of suit to which it relates.	Name of applicant	Name of person against whom execution of decree or order is sought	Mode in which the assistance of the Court is required	Whether and when process fee for warrants he is produced by the applicant.	Date of order directing execution	Remarks

126

(57) 138

VI.-- Warrant under ~~clause (a) of Rule [illegible] of the Rules framed~~ See 22 of the Village Offices Regulation under ~~Madras Act III of 1895~~.

In the Court of the ~~Collector of~~ Deputy Collector

Revenue Suit No1 of 19

A.B. of

against

C.D. of

To.

Whereas in the occupancy of has been decre

to the plaintiff in the above suit, you are hereby direct

ed to put the said in possession of the same, and you are

hereby authorized to remove any person bound by the decree who

may refuse to vacate the same.

Given under my hand and the seal of the Court, this

day of 19

L.S.

~~Collector~~ Deputy Collector

- - - - - - - - - -

VII.-- Notice under ~~clause (b) of Rule 60~~ of the Rules framed under ~~Madras Act III of 1895~~. Village Offices Regulation

IN THE COURT OF THE ~~COLLECTOR OF~~ Deputy Collector

Revenue Suit No. of 19

A.B. of

against

C.D. of

To.

Whereas has been declared, by a decree in the suit above referred to, to be entitled to the rent (or revenue due

(58) 139

due on land on your occupation bearing survey (or paimmash)

No. in the village of in the District of

you are hereby required to pay the rent (or revenue) to

the holder of the decree or order above referred to.

Given under my hand and the seal of the Court, this

day of 19

L.S.

~~Collector.~~

- - - - - - - - - -

VIII.-- Notice under ~~clause (d) of Rule 60~~ of the Rules framed under ~~Madras Act III of 1865~~ prohibiting persons, other than the decree holder, from exercising the functions of the office, or performing the duties thereof, or collecting the emoluments attached thereto.

IN THE COURT OF THE ~~COLLECTOR~~ OF

Revenue Suit No. of 19

A.B. of

against

C.D. of

To.

Whereas has been declared, by a decree in the suit above referred to, to be entitled to the office of the village of in the district of you are hereby prohibited from exercising the functions of the offic or performing the duties thereof, or collecting the emoluments attached thereto, viz.,

Given under my hand and the seal of the Court, this

day of 19

L.S.

(59) 140

IX.-- Notice under ~~clause (a) of section 60~~ of the Rules framed ~~under Madras Act III of 1894~~ under Village Offices Act to the person possessing occupancy right in lands, the rent or revenue from which constitut the emoluments of a village office.

IN THE COURT OF THE ~~COLLECTOR~~ DEPUTY COLLECTOR OF

Revenue Suit No. of 19

A.B. of

against

C.D. of

To.

Whereas has been declared by a decree in the above suit to be entitled to the office in the village of in the district of , you are hereby required to pay the rent or revenue for the lands in your occupation which appertain to that office to the holder of the decree above referred to.

Given under my hand and the seal of the Court this day of 19 .

L.S.

~~Collector.~~ Deputy Collector.

60

Appendix III

Form of the Patel / Shanbhag of

in the taluk of Taluka.

The year for which payment is due	Amount of fees	Date of payment	Initials of the Taluk Sheristedar

SCHEDULE.

Description.	*Period of limitation.*	*Time from which period begins.*
1. *Suit for the recovery of a village office or of the emoluments of any such office.*	*Three years....*	*When the plaintiff is entitled to the possession of the office or the recovery of the emoluments or the date of the order which would become final, if no such suit be brought.*
2. *Appeal to the Deputy Commissioner or Assistant Commissioner.*	*Thirty days....*	*The date of the decree or order appealed against.*
3. *Appeal to the Revenue Commissioner.*	*Ninety days....*	*Do do*
4. *Application for execution of decree or order.*	*One year ....*	*(1) The date of decree or order.* *(2) [Where there has been appeal] the date of the final decree or order of the appellate court.* *(3) [Where there has been a review of judgment] the date of the decision passed on review.* *(4) [Where there has been a revision of the decree or order] the date of the decree or order passed on revision.* *(5) The date of the last application for execution made in accordance with this Regulation.*
5. *Application for review of decree or order.*	*Ninety days....*	*The date of the decree or order sought to be reviewed.*
6. *Applications not otherwise herein provided for.*	*Do ....*	*When the right to apply accrues.*

C.178/27-1-1913.

1908--9

GENERAL AND REVENUE SECRETARIAT.

(LEGISLATION).

NOTTS.

File No.22-08.

File Heading

Draft Rules under the Village Offices Regulation, IV of 1908.

---

1. Draft rules under the Village Offices Regulation on the following matters are put up.

Part I. The division, grouping and amalgamation of villages and the selection of persons to fill the offices newly created.

Part II. The holding of enquiries &c., under Sections 6 & 7.

Part III. Matters falling under Sections 8 & 9 of the Regulation.

Parts V & VI. Procedure for suits &c.

2. Part I.-- The Madras Rules (vide Standing Orders of the Board of Revenue Page 755 Vol. II 1 to 6) have been followed. In Rule 3 existing Mysore rule given in the Revenue ---- Manual has been embodied.

3. Rules 4, 4A, 4B, 4C are existing Rules taken from the Potgi Rules and the Revenue Manual.

4. The latter part of Rule 7 is based on the discussions in the ----- Legislative Council on the subject.

5. Part II.-- The Madras Rules have been adopted as regards the procedure to be followed in enquiries --- under Sections 6 and 7 and in appeals relating to them.

6. As regards cases when the hak of a family may be forfeited ----

(Section 7

(Section 7 Sub Section 5) the existing Rules as given in the Revenue Rules and Revenue Manual have been embodied.

7. Part III.--Orders recently passed about Educational Qualifications of Patels and Shanbhogs have been incorporated. In the Rules under Section 8 (2) (b) the order of ~~procedure~~ precedence among hakdars when direct line fails is laid down according to existing practice. The Rule under Section 8 (4) embodies the existing provision in the Land Revenue Rules Parts V and VI. The Madras Rules have been followed except as regards the form of summons, as to which the provisions of the Land ----- Revenue Code have been adopted.

8. The other parts of the Rules will be sent separately.

9. Forwarded to Branch I for note as to whether any other existing Rules should be included in the new Rules or whether any additional rules are necessary.

2nd. C.S.B.

10. There seems to be no essential omissions in the rules as framed but the following observations suggest themselves to me on reading them.

Part I. There is no doubt that even under the existing system, it is intended occasionally to break up and ----- amalgamate villages and circles constituted as such at the time of the

Survey

Survey and Settlement. But this procedure is intended to be resorted to only exceptionally as it is very ---- difficult to reconcile existing ----- hereditary rights with any arrangements that may have become necessary on --- ground of administrative convenience and it is found in the long run to be more conducive to efficiency of work to have a set of Village Officers who are content with their charges as they have derived them from their ancestors. The Rules now framed seem to imply that the readjustment of Pateli and ------ Shanbogui charges will be more ------ frequent than before. Please also see remarks in pencil opposite to Rule 1.

Not necessarily. They however provide for the contingency.

"Intd" C. S. B.
17-11.

Rule 1.--No such limit as that ---- fixed in this Rule is now observed in the amalgamation of villages and in the Malnad for obvious reasons it will be insufficient.

In the first draft a distance limit of 1½ miles was proposed but after discussion with Mr. D'Souza it was omitted.

"Intd" C. S. B.
17-11.

11. Rule 3.--Please see my remarks in pencil opposite Rule 3.

After discussion we decided to retain Rule 3. It embodies an existing rule.

"Intd" C. S. B.
17-11.

12. Rule 4.will perhaps be ----- shortly modified in consequence of a representation at the last Representative Assembly meeting stating that the rule regarding the not-allowing of a Shanbogue to be in charge of more ---- than one circle should be relaxed as in constituting these circles, consideration has not been paid solely to

May be changed later on if necessary. Existing rule is adopted in the draft.

"Intd" C. S. B.
17-11.

providing

providing each Shanbogue with only as many villages as he is capable of ---- managing.

13. Rule 4 A.-- Some provision should be made for cases in which the collection falls below these limits so as to provide sufficient renumeration to a Shanbogue and induce him to devote his entire attention to Govt work.

Now No.7.
This Rule is taken from Potgi rules. Any revision may be separately considered.
"Intd" C. S. B

14. 4 B. The power of splitting and rearranging Shanbogi charges has been transferred to the Revenue Commissioner and there seems to be no necessity to reserve it to Government, whether as under the existing system the rearrangement is intended to be made only in exceptional cases or as seems to be the present intention to readjust the Shanbogi charges with reference solely to administrative convenience from time to time according to ~~necessity~~.necessity.

Rule modified accordingly
"Intd" C.S.B.
G.O.No.R.3758-67 dated 27th March 1903.

15. Rule 4 C.--The Rule is silent as to how the choice is to be made where there is more than one Minor Hakdars unless we bring in Rule 27 here.

Now 9.
Rule 32 will operate in such cases.

16. Rule 5.-- Rule 3 should come after this, at least, the proviso to it which applies solely to Patels.

Order changed in present draft.

Rule 6. The procedure is necessary. But at present the splitting and ----- amalgamation are effected by the ----- Revenue Commissioner in consultation with

Slightly altered to embody these suggestions.
"Intd" C.S.B.

with the Survey Department. It seems to be undesirable ~~to~~ to ignore the Survey Department which originally constituted the villages or circles and who alone are in a position to know the original grounds on which the ---- villages or circles were constituted.

PART II.

17. With regard to procedure a simple provision like that contained in Rule 102 of the Land Revenue Rules --- seems to be enough. Please also see part VIII of the Bombay Vatan Act, which contains a few simple instructions on the point. Elaborate rules of procedure where proper legal assistance is not to be had are difficult to be ---- observed by the parties.

Rule 102. As regards details in conducting the investigation of cases, framing of plaints and petitions of appeal and other matters not provided for the Code or rules. The provisions of the Code of Civil Procedure in force for the time being shall be followed as far as possible.

The Madras Rules have been followed. In the discussions in the Legislative Council a preference ----- appears to have been expressed for such detailed rules. "Intd" C.S.B.

18. Rule 21.--A great part of this rule consists of mere explanation which may be omitted by inserting the description of the offences immediately after the expression in the execution of his office in the first sentence.

Now Rule 25.
Subsequently altered slightly.
"Intd" C.S.B.
17--1.

19. The wording of this and the subsequent rules (Rules 21 to 24) may be slightly altered, so as to omit merely explanatory matter.

Adopted.
"Intd. C.S.B.

20. Rule 25.-- For until otherwise ordered substitute 'until a regular test is prescribed'

21. Rule 28.--It is not clear what

what is meant by 'so long as there is no reason to think that they will prejudice the interests of the minor in the office' as if a person is appointed a gumastha, he cannot set up any adverse title and as now it is decided not to sanction the arrangement by which some maintenance could be paid to the minor, the proviso seems to be unnecessary.

Proviso omitted.
"Intd" C.S.B.

PART IV.

22. Under Section 5 emoluments of village officers cannot be attached or sold by Civil Courts. The procedure regarding how the attachment is to be removed such as on receipt of a certificate from the Deputy Commissioner that the land is Village Service Inam land should be indicated. Rule 1 may also be altered so as to apply to involuntary alienation also. The usual practice now is to levy full assessment from the date of the alienation and as before the issue of these rules such alienations are altogether void, it is not clear why the assessment should be levied only from the year 1908-09.

if for some reason such as the great antiquity of the alienation, it is considered inexpedient to cancel it altogether.

Rule altered accordingly.

23. Rule 71.--It is not clear whether it applies merely to land in the possession of the officiator, who actually alienates or to land also in the possession of hakdars. It is presumed that the latter will be unaffected by an alienation not made

Note 36.
This applies to alienations made by the holder of the office.
"Intd" C.S.B.

by

by the persons in possession thereof.

24. This part has to be carefully considered as while alienation is prohibited under severe penalties facilities are provided for resigning the --- land. See Rule XXV of the Potgi --- Rules.

PARTS V & VI.

25. Please see remarks under Part II. If such elaborate rules of of procedure are necessary they may all be brought together. I may mention here that as far as I am aware, there are no cases in which rent or revenue for land has been assigned as the ---- emoluments of an office. Miras is quite distinct from either rent ~~of~~ or revenue from land.

The Madras rules have been adopted practically in their entirety and provide for all contingencies. These parts regulate ~~here~~ the procedure in regular suits and appeals whereas Part II regulates the procedure in miscellaneous cases.

"Intd" C.S.B.
17-11.

26. Rule 78 B.-- If the land is not to be treated as a ~~fact~~ part of the emoluments in the case of Pateli and Shanbogui offices, why should its ---- alienation be attended with such severe penalties as confiscation. It is also a mistake to suppose that the land has no connection with the emoluments of the office. Under Rules 5 and 6 of the Potgi rules it is no doubt true that Patels and Shanbogues are paid in cash but this amount is intended to be primarily derived from the lands ---- assigned as the Service Inam. See Potgi Rules XVI, XVII and XVIII. The

Now. 84.
There is a distinction between a land assigned or annexed to the office and the remuneration to the actual holder of the office. The draft Rules embody the the opinions expressed during the discussions in the Legislative Council.

Sd C.S.B.

manner

manner in which these Service Inams lands are taxed is as follows:--

They are under Rule 1 liable to a fixed jodi, which is not liable to enhancement during Revision Settlement. After deducting this amount from the assessment on the land the balance which remains is appropriated towards payment of the Potgi of the Patel or Shanbogue. If after doing this, there should still remain a balance only half is taxed under Rule XXI and the other half allowed to be enjoyed by the --- person in possession of the land. ~~The~~ These amounts are not liable to revision during the currency of the Survey and Settlement but if owing to revision of Potgi, the Government demand is increased, the unappropriated profits are liable to be drawn upon to the extent necessary to meet the excess. A question has also recently been raised whether it is necessary to revise the assessment on these lands during each resettlement, as contemplated in Rule XIV or treat the quitrent mentioned in that Rule as fixed. The Revenue Commissioner has expressed himself in favour of treating the quitrent as fixed while the Superintendent of Survey is of a diffierent --- opinion. This point has to be made clear in the rules.

27. Remuneration of totis and talaries. This is a difficult subject

and

and is being considered by the Revenue Commissioner and the Superintendent of Survey and the Rules now issued will be provisional.

28. It seems to be desirable to consult the Revenue Commissioner and the Superintendent of Survey unofficially about these rules.

"Intd" P.Q.D.

To Branch III.

29. Subsequent to Mr. D'Souza's writing the above note, he and I ----- personally discussed the draft rules and made certain slight alterations in them. I have made a few marginal remarks opposite to Mr. D'Souza's notes on the previous pages.

30. In the draft rules the ---- existing rules have been embodied almost wholly, only a few--such as the recognition of the widow as an heir etc.-- which are opposed to the Village Office Regulation being omitted.

31. The Madras rules are very full and detailed on all points and have been adopted with the necessary changes as far as possible. A great portion of the rules consists of an adaptation of the provisions of the Civil Procedure Code. It is a question for consideration whether such an elaborate set of rules is necessary and whether the same subject cannot be attained by stating--

as

--as in the Land Revenue Rules-- that the provisions of the Code of Civil Procedure shall be ----- followed as far as possible. It may however be observed that in spite of the provision in the Land Revenue Rules the procedure usually adopted by Revenue Officers-- except perhaps in regular suits-- is generally very summary and defect -ive and does not afford sufficient facilities for the parties affected to cross-examine witnesses deposing against them &c.

32. In the discussions in the Legislative Council certain Members (Messrs. Rangiengar and Nagappa) expressed a desire that the detailed rules framed by the Madras Government should be ----- adopted.

Vide page 28 Mysore Gazette Supplement April 3 1908.

33. Another important ----- portion of the rules is part iv (Rules 34 to 37) relating to the action to be taken in respect of alienations of Service Inam Land. The rules embody the present practice and the views expressed at the discussions in the Legis-lative Council. As urged in the Council, all alienations made prior to the Regulation are proper proposed to be dealt with ----- leniently. All full transfers made more than 12 years previously will

will be recognized and the lands fully assessed and removed from the category of Service Inam land. Alienations made less than 12 years ago are to be cancelled the alienees being however properly compensated by the alienor. Future alienations will be disallowed except to the extent permitted by the Regulation.

The Rules also make a distinction between lands assigned as remuneration to the holder of a village office and lands not so assigned as in the ----- proviso to Section 5.

35. Part VII.(Rules 83 to 91) deals with the emoluments to be assigned ~~ed~~ to holders of village offices.

35. Rule 83 declares all Service Inam lands to be emoluments ~~to the~~ annexed to the office, according to the definition of the term emoluments in the Regulation.

36. Rules 84 and 85 distinguish between lands assigned as emoluments to the office and lands assigned as ----- emoluments to the holder of an office. Pateli and Shanbogi umbli lands in Government villages evidently come under Rule 84 and umbli lands of totis talaris &c., under Rule 85.

37. Rule 86 embodies the major portion of the ~~previous~~ provisions of the Potgi Rules fixing the scale of remuneration

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remuneration of Patels and Shanbogs.

38. Rules 87 to 89 also embody existing orders

39. Rule 90 embodies the existing rules about the recovery of Miras due to the Minor Village Servants.

40. Rule 91. Copies ~~of~~ Land Revenue Rule 6 A regarding the remuneration of village officers in alienated villages.

41. Parts VIII, IX, & X do not call for any special notice.

42. If approved the draft rules may be printed and the opinions of the Revenue Commissioner and Superintendent of Survey and if necessary of the Deputy Commissioners invited thereon. Perhaps also the draft may be published in the Gazette and public opinion --- invited.

"Intd" C.S.B.
Secretary. 17-11-08.

43. This may, I think, be done. (I have not yet had time to study the draft rules which have been more than once called for by the Dewan).

"Intd" K.S.C.
Dewan. 21-11-08.

44. The Dewan approves of the draft rules being printed and circulated for opinion to the Revenue Commissioner, Survey Superintendent and Deputy ---- Commissioners.

P.O.
"Intd" K.M. 25-11-08

45. Do so please and let me have a copy. Copies to be submitted to Crs.

"Intd" K.S.C.
26-11-08.

Branch III.

46. Please get the draft rules printed. Tell Press to treat work as urgent.

"Intd" C.S.B.
26-11.

47. Draft to the Superintendent Government Press, is submitted for approval.

48. Issue.

"Intd" S.P.R.
26-11-08.

To the Superintendent, Government Press.

No. J.1521 dated 27th November 1908.

Forwards draft Rules under the Village Offices Regulation for being printed on half margin and on one side of the paper and requests that 50 copies thereof may be sent to this office at an early date.

49. Secretary's remarks on the Village Offices Regulation File in connection with the fixing of the date for the Regulation to come into force:-

"The office should take prompt action to obtain the opinions of the officers to be consulted (on the draft rules under the Village Offices ----- Regulation) by the beginning of ----

February

February.next. (A date may be fix ed in the official reference for opinion)."

50. Submitted Copies of the draft rules have now been received. Draft of a circular letter to the Revenue Commissioner, Survey Superintendent, and Deputy Commissioner inviting their opinion on the draft rules is submitted for approval.

51. Copies are being separately submitted to the Secretary and the Councillors.

M.S. 7.1.'09,
S.N. 7.1.

52. Issue. (Intd). S.H. 7th Jan.09.

Let the matter be treated as urgent. S.H.

Sl. No.

2. To the Revenue Commissioner, Superintendent of Revenue survey, Deputy Commissioners of Districts, No. J.1971-80 D. 9th Jan.09.

Requests him to favour Government before the 5th Feb. next with an expression of his opinion on the draft Rules proposed to be issued under the Village Offices Regulation.

Sl. No.

3. From the Superintendent, Revenue Survey, Camp.No.3 dated 2nd February 1909.

Submits his opinion on the draft rules under the Village Offices ----- Regulation.

The Revenue Commissioner and the Deputy Commissioners of Districts have

have not yet sent their opinions on the draft Rules, which were due by to-day (5th February 1909). Only the opinion of the Superintendent Revenue Survey has been received. Submitted for orders.

"Intd" M.S.S.

53. The following opinion has been offered by the Superintendent of the Revenue Survey.

(1) The period of 12 years fixed in Rules 34 to 37 is rather short.

(He does not prescribe the period that should be fixed instead).

(2) Rule XXXV of the Potgi Rules might also be inserted in its proper place, as it has been decided to discontinue the practice of allowing maintenance to sonless widows and minors

J.C. 7.

(3) Neither the Regulation nor the Rules requires Patels and Shanbogs to reside in their charges, though the Regulation empowers Deputy Commissioners &c., in Section 7 to fine them. A Rule similar to Rule XXXVI of the Potgi Rules allowing these officers to reside outside their charge for a period not exceeding 7 days may be inserted.

(The Superintendent does not seem to be right in the interpretation of Section 7)

(4) Provisions should be made after Rule 86 as to the settlement of the Potgi after a revision settlement.

It is stated that the question has already been submitted to Government for consideration and the decision of ---- Government in the matter may be embodied in the appropriate place.

The file should be pending in Branch I which may be requested to note the stage in which the question stands at present or perhaps the question might be dealt with the present rules.

(5) The mistakes pointed out as to marginal references will be rectified. Submitted for orders. Other opinions will be awaited.

Submitted for orders
"Intd" M.S.
8-2-1909.

54. Issue reminders to-morrow after seeing to-day's tappal.

Legislative useful
Intd M.S.
Submitted "Intd" S.H.
5-2-1909.

55. The opinions of the Revenue Commissioners and Deputy Commissioners of District have not been received even to-day. Submitted with a draft requesting them to expedite the same.

"Intd" M.S.S.
6-2-1909.

56. Issue.

/Intd/ S.H.
6-2-1909.

Draft issued with No.J.2322-30 dated 9th February 1909.

4. From the Deputy Commissioner, Tumkur District No.496 dated the 14th Feb.09

Submits his opinion on the Rules proposed to be issued under the Village Offices Regulation IV of 1908.

57. The opinions of the Deputy Commissioner and the Revenue ------- Commissioner on the Rules were due at the office by the 5th February 1909.

58. Submitted with a draft to the Revenue Commissioner and other Deputy Commissioners requesting them to expedite the submission of their opinion.

"Intd" M.S.S.
1-3-1909.

59. Issue.
"Intd" S.H.
2-3-1909.

To the Revenue Commissioner and Deputy Commissioners of Districts except Tumkur No.J.2534-61 dated 5th March 1909.

Invites his attention to Sl. 2 and requests him to expedite the submission of the opinion called for --- therein.

From the District Magistrate, Chitaldrug District, No.362 dated 10-3-1909.

Promises to submit his opinion on the subject in about a week.

Sl. No.

5. From the Deputy Commissioner, Kadur District No.331 dated 11th March 1909.

Forwards his opinion on the ----- subject of the rules proposed to be issued under the Village Offices Regulation.

Sl. No.

6. From the Deputy Commissioner Hassan District, No.378/S. dated 17th March 1909.

Submits

Submits his opinion on the draft rules.

8 R N°

7 From the Deputy Commissioner, Chitaldrug District No.387 dated 24th March 1909.

Furnishes his opinion on the draft rules.

8 R N°

8. From the Deputy Commissioner, Mysore District, No.744 dated 11th May 1909.

Furnishes his opinion on the draft rules and forwards also the opinions of the Assistant Commissioner, Nanjangud Sub Division. (enclosure No.67 dated 16th March 1909), on the Draft rules, and of the Assistant Commissioner, French Rocks, Sub Division (Memo.dated 8-2-1909)

8 R N°

9. From the Revenue Commissioner in Mysore No.12547 dated 5-6-1909. /9.

States that he does not see the necessity of issuing the draft rules in the present elaborate form.to be brought into force simultaneously with the Regulation; that it would be inexpedient to issue the rules at once; that the better course would be to pass only such rules as are wanting and to consolidate the whole after gaining experience under the various heads comprised; but that if the Government think it necessary that rules should be passed, they should be previously published and fuller opportunity given for discussing them.

60. Submitted. The rules will of ourse be published in the Gazette before they are brought into force. The present consultation is only preliminary to the publication of the rules. Instead of giving his opinion on the several rules, the Revenue Commissioner has contented himself by passing certain general remarks. As regards his remarks that the existing provisions of the Land Revenue ----- Regulation may be made applicable to suits, appeals &c., under the Village Offices Regulation, his attention need only be drawn to the discussions that took place in the matter in the ----- Council (Vide pages 28 & 29 Fl.N.) and to Section 13 of the Regulation Fl. U.

61. Notwithstanding D.C. ------- reminders, the Deputy Commissioners of Kolar, Bangalore and Shimoga have not forwarded their opinions yet though the date fixed for the Regulation to come into force is close at hand.

62. Of the several other ------ opinions received, a summary of ----- opinion received from Superintendent Revenue Survey is already put up (pages 18 and 19). The gist of ----- opinions of others is as follows:--

Deputy Commissioner Tumkur.-- There is nothing to prevent the draft from being adopted now as it systematizes the law applying to Village Officers

in

in regard to several matters comprised under the rules.

Deputy Commissioner, Kadur.-- The rules are ample and provide for all possible cases.

Deputy Commissioner, Hassan.--

Rule 1.--The words"beyond a reasonable distance" may be substituted by the words "of greater distance than a mile". The limit of one mile.is adopted in Section 7 of the Municipal Regulations and any greater ------- distance would be inconvenient.

Rules 5 and 7.--Provision should be made for an officiator having more than two charges where the ------- circumstance renders it necessary.

Rule 27.--The provision requiring appeals to Revenue Commissioner under 6 and 7 being forwarded ---- through the Deputy Commissioner is novel. The present practice may be continued. In cases where the appellate authority desires the Deputy Commissioner to make ------ enquiries in regard to new ------- allegations, it has to be specified whether the Deputy Commissioner can make his findings on such new allegations or has to simply forward the report without his findings.

Rule 29.--The power of fining may be fixed to a maximum fm of 2 months' Potgi or Rs.2. When

severe

severe punishment is necessary, the officer may be suspended instead of imposing a heavy fine.

Rule 71.-- For the words "by the Deputy Commissioner or Assistant Commissioner deputed by him for the purpose" the words "by the Deputy Commissioner or an Assistant Commissioner either in charge of a Sub Division or one ----- deputed by him for the purpose" may be substituted.

Rule 87.--The limit of 5 years may be retained.

Rule 90.--The statement appended to para IV of G.O.No.1668-76/R.579 dated 10-8-1897 may be adopted instead of the rules appearing herein.

Rule 101.--A period of 6 months may be adopted instead of three months. The maximum period of leave to be granted by a Revenue Officer may also be fixed. e.g. to 2 years; with forfeiture by the absentee of his hak in case of longer absence.

The words "Deputy Commissioner" may be added after "Assistant Commissioner" so as to include charges under the exclusive control of the former.

Deputy Commissioner, Chitaldrug.--The rules leave nothing to be desired and have very little to be improved upon.

Deputy Commissioner, Mysore.--Shanbogi charges belinging to different but neighbouring Taluks should not be

clubbed

clubbed together.

Rule 7.--Query? Whether it is proposed to appoint a single officiator for so big a charge as yield a revenue of Rs.10,000.

Rule 77.-- This is not very clear; should be ~~ner~~ made more explicit.

Rule 90.--(1) The rules do not provide for levy of Miras in villages where Inam lands are assigned to Totis as Miras. The suggestion of Mr. Sundararajiengar regarding reduction of Miras should be noticed.

(2) The rules do not make any reference to appointments, punishments and removal of Village Officers in alienated villages.

(3) The grant of sannads to holders of Village Offices may be made compulsory

(4) Amildars should not be given the power of suspending Village ----- Officers

(5) Rules framed by Government regarding the residence of Shanbhogs within their circles may be added to the draft rules.

Mr. C.Narayana Rao, French Rocks Sub Division) The authority given to Shanbhog to deduct his dues from the amount of the last Khist may not tend to smooth working.

Rules 86 & 87.

Rule 101.--A fixed period may be fixed instead of "at a time".

"Intd"

Submitted for orders.

"Intd".

65. Attention is invited to the Revenue Commissioner's letter wherein he recommends that the rules may not be passed now but that if the Government decide otherwise a competent Committee be appointed to consider and report on the draft rules after ----- inviting public criticism.

"Intd" S.H.
21-6-09.
Secretary

66. With due deference to the opinion of the Revenue Commissioner it may be submitted that it is ---- desirable and necessary to issue a set of rules under the Village Offices Regulation instead of leaving the existing scattered rules and orders to be followed where not inconsistent with the Regulation. As recognized by the Revenue Commissioner himself the proposed draft is simply a ---- consolidation of existing rules and present practice with very few ---- innovations. Only a few rules and orders inconsistent with the Regulation are omitted and rightly so. To remove any misconceptions, it may be clearly explained in the preamble to the rules or in an order directing the rules to be published, that the existing rules have been consolidated and brought together. On certain doubtful points referred to by the Revenue Commissioner, the existing rules do,not doubt, require amendment

and

and such amendment need not at all stand in the way of publishing the draft rules and bringing them into effect. The amendment when made may be incorporated in the body of the rules from time to time.

67. As stated in para 31 of the notes in this file, the rules about procedure are somewhat detailed and/ may perhaps be replaced by a reference to the procedure under the Land Revenue Code.

This is a point for orders.

68. On the whole, I would submit that the rules may be brought into force at an early date leaving substantial amendments on important points to be considered from time to time as cases arise and experience is gained.

69. Perhaps some further discussion may be useful before the rules are brought into force and this may be secured by the draft rules being published in the Gazette for public information and criticism and by the appointment of a Committee consisting of the a Revenue Commissioner, the Superintendent of Survey, one or two Deputy Commissioners and one or two non-official gentlemen, to ------ consider the opinions, if any, offered and to suggest any minor modifications that may be necessary. As already

stated

stated large questions of pricple may be left to be discussed separately and in all such matters the existing practice--where not opposed to the Regulation--may be embodied in the rules.

"Intd" C.S.B
22.6.09.

Dewan through 2nd Councillor.

70. I shall require some considerable time before I can peruse all the papers in this bulky file and be in a position to say anything useful. The file may be submitted to the Dewan. In the meanwhile I shall thank the Secretary to send me copies of the Regulation and draft rules and the discussions in the Council while passing the Regulation and other printed papers.

"Intd" H.V.N.
24-6-09.

Dewan. 2nd C.S.B 26.6.09.

71. I have retained a copy of the Regulation and draft rules ----- proposed. The file may now be sent to the First Councillor and then again to the 2nd Councillor if it suit the convenience of the latter.

1st Cr. 2nd S.H. 30.6.09. "Intd" T.A.R. 28-6-1909.

72. I have kept a copy of the draft Rules and shall study them. 2nd K.P.P.

8(N)10 From the Deputy Commissioner Bangalore District, No.S.684 dated 30th June 1909.

Submits a Memo. containing his views

views regarding the rules proposed to be issued under the Mysore Village Offices Regulation 4 of 1908.

Submitted.

73. The opinions of the Revenue Commissioner and some Deputy Commissioners on the subject which were received in the office are now under circulation among the first and 2nd Councillors. This is submitted in continuation of the same.

"Intd" M.S.S
"Intd" S.N.

74. Put this in the file when it comes back.

Are steps being taken to print the opinions?

"Intd" S.H.
15-7-1909

75. The opinions received frm in the Branch have not yet been sent to the Press. If approved, a draft will be put up to the Superintendent Government Press, after the receipt of those opinions which are now under circulation among the Councillors and after knowing final orders as to the consideration of the rules.

"Intd" S.H.

Subject No.13
Amendment of the Village Offices Regulation, No.IV of 1908.
Mr. Lakshminaranappa, Heggaddevankote, Taluk.

Summary of discussions.--

Section 8 of this Regulation may be ---- amended, as the present rule causes hardship to patels and shanbhogs.

The power to exclude a claimant on the ground of general bad character &c., should

should be vested in the Revenue Commissioner and not in the Deputy Commissioners. Some provision should be made for the maintenance of sonless widows of deceased huckdars.

Reply of Government.-- The representations will be considered in connection with the rules.

76. Submitted. The representative Member does not show in what way the Regulation requires to be amended or the particular hardship caused by the Section referred to by him. Perhaps he means, among others, the exclusion of females from being appointed in the important Village Offices. This provision was enacted after careful consideration and for the efficient ---- discharge of the duties of the offices concerned. The majority of the Legislative Council including Non-official Members was against making any provision for the maintenance of sonless widows. In these circumstances it is perhaps unnecessary to consider the subject again so soon. But the Government have promised to consider the representation in connection with the rules under the Regulation. The draft rules framed are pending perhaps before the Executive Council.

Submitted for orders.

"Intd" S.N.

77. May be considered along with the rules.

"Intd" S.H.
30-3-10.

Secretary

Secretary.

78. "Intd" C.S.B.

79. Note for consideration accordingly.

"Intd" S.H.
1-4-10.

80. I have appended some notes to the draft rules. The subject may be considered either in Council at a special sitting or may be referred to a Committee.

"Intd" H.V.N.
30-10-10.

81. Dewan.

"Intd" C.S.B.
1-11-10.

82. The rules may be referred to a Committee for consideration and report in 3 months. The Committee to consist of Revenue Commissioner, Superintendent of Survey, Deputy Commissioners of Bangalore and Tumkur, and 2 Non-official gentlemen (Members from the Bangalore Law Association to be kindly selected by the 1st ----- Councillor).

"Intd" T.A.R
2-11-1912.

83. Branch III.

"Intd" K.R.S.
3-11-1912.

84. Submitted with a draft order appointing the Committee and ------- referring draft rules and opinions of the Deputy Commissioners &c., received, to the Committee for ----- reporting on the same as ordered by the Dewan. The names of two Members

of

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of the Bangalore Law Association to be chosen to sit on the Committee have to be filled up by the 1st Councillor. The opinions of the Deputy Commissioners of Kolar and Shimoga Districts have not been received yet in spite of ------ repeated reminders to them.

"Intd" S.N.
26-11-12.

85. Draft submitted for ----- approval

The names of the Non-official gentlemen (Members of the Bangalore Law Association) have kindly to be filled up.

"Intd" S.H.
30-11-12.

86. The matter has been delayed very long. I should prefer the rules to be considered at a Council Meeting and got through early. Reference to a Committee would mean a delay of at least a year more. Submit to Dewan.

87. (If Committee is considered necessary, I shall give the names of Non-official Members later on. Can Assistant Secretary get a list of Members of Bangalore Law Association?)

"Intd" H.V.N.
29-12-12.

88. Yes. I shall get this done separately.

"Intd" S.H.

89. Office. Write a D.O. to the Registrar, Chief Court, separately.

"Intd" S.H.

90. Submitted to Dewan as directed.
"Intd" S.N. 31-12.

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The action to be taken to get the rules checked may be considered at the next meeting of Council

"Intd" M.V.
22-1-1913.

C.Clerk.

Circulate to Councillor and note for next Council Meeting.

"Intd" K.R.S.
29.1.13.
2nd H.V.N. 30-1-13.

2nd Councillor.

"Intd" K.R.S.
3-1-.

Yes. The question may be considered at a meeting of the Council.

"Intd" M.K.
12-2.

C.Clerk.

Note for next meeting.

"Intd" K.R.S.
12-2.

The file cannot be disposed of except at a meeting of Council. The Regulation was passed 7 years ago and it is hardly right that this matter should be left undecided so long. It may be brought up at an early meeting.

"Intd" H.V.N.
23-5-15.